

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL NO. 894

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Ruben” and substitute “Ruben, Hogan, Brinkley, Stoltzfus, and Kramer”; in line 5, strike “quarterly” and substitute “biannual”; in line 7, strike “quarterly” and substitute “biannual”; in line 10, after “Governor” insert a comma; in line 11, strike the first “and”; in the same line, after “Assembly” insert “, and the county governing authority”; in line 13, strike “quarterly” and substitute “biannual”; in line 14, strike “in”; in line 18, after “Superintendent;” insert “revising the dates for submission of certain plan updates to the Department; requiring county boards of education to include certain information in certain plan updates; requiring the State Superintendent to annually review certain information and to file a certain report;”; in line 21, after “period;” insert “authorizing the employees of the Office of Legislative Audits to have access to certain information; requiring the Office of Legislative Audits to provide certain information to a local school system; requiring a certain centralized audit by a certain time period; requiring certain school systems to be included in a certain group of audits;”; and after line 28, insert:

“BY repealing and reenacting, with amendments,

Article - Education

Section 5-401

Annotated Code of Maryland

(2001 Replacement Volume and 2003 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 6, insert:

“(A) IN THIS SECTION, “DEFICIT” MEANS A NEGATIVE FUND BALANCE IN THE GENERAL FUND OF 1% OR MORE OF GENERAL FUND REVENUE AT THE END OF THE FISCAL YEAR.”;

(Over)

in line 7, strike “(A)” and substitute “(B)”; in line 13, strike “(B)” and substitute “(C)”; in line 19, strike “(C)” and substitute “(D)”; and in line 26, strike “(D)” and substitute “(E)”.

On page 2, in line 10, strike “QUARTERLY” and substitute “BIANNUAL”; in line 15, strike “QUARTERLY” and substitute “BIANNUAL”; in line 16, after “SUPERINTENDENT” insert “AND COUNTY GOVERNING BODY ON OR BEFORE JUNE 30 AND DECEMBER 31 OF EACH FISCAL YEAR”; in line 17, strike “QUARTERLY” and substitute “BIANNUAL”; in line 18, after “SUPERINTENDENT” insert “AND COUNTY GOVERNING BODY”; in line 22, after “NOTIFY” insert “;

(I) THE DEPARTMENT OF LEGISLATIVE SERVICES;

(II) THE COUNTY GOVERNING BODY; AND

(III);

in line 26, strike “AN OPERATING BUDGET” and substitute “A”; in line 28, strike “OF ANY AMOUNT”; in line 29, strike “AND” and substitute a comma; in line 30, after “ASSEMBLY” insert “; AND COUNTY GOVERNING BODY”; and in line 31, after “DEVELOP” insert “AND SUBMIT FOR APPROVAL”.

On page 3, in line 2, after “SUPERINTENDENT” insert “AND COUNTY GOVERNING BODY”; in line 6, strike “QUARTERLY” and substitute “BIANNUAL”; in line 7, after “SUPERINTENDENT” insert “AND COUNTY GOVERNING BODY”; in line 11, strike “THE QUARTERLY FINANCIAL” and substitute “A QUARTERLY”; and in line 14, strike “(E)” and substitute “(F)”.

AMENDMENT NO. 3

On page 3, after line 20, insert:

“5-401.

(a) (1) In this section the following words have the meanings indicated.

(2) “Local performance standards” means standards for student and school performance developed by a county board.

(3) “Plan” means a comprehensive master plan.

(4) “State performance standards” means standards for student and school performance approved by the State Board.

(b) (1) Each county board shall develop and implement a comprehensive master plan that describes the goals, objectives, and strategies that will be used to improve student achievement and meet State performance standards and local performance standards in each segment of the student population.

(2) (i) Each county board shall submit a plan to the Department on or before October 1, 2003.

(ii) At least 60 days before submitting a plan to the Department, a county board shall provide a copy of the plan to the:

1. County council and if applicable, county executive; or
2. County commissioners.

(3) Subject to subsection (h) of this section, the plan shall:

(i) Extend for a 5-year period beginning with the 2003-2004 school year;
and

(ii) Be updated ANNUALLY by the county board on or before [July 1] AUGUST 15 of each year.

(4) (I) THE BOARD SHALL SUBMIT WITH THE UPDATE REQUIRED UNDER PARAGRAPH (3)(II) OF THIS SUBSECTION A DETAILED SUMMARY OF HOW THE BOARD’S CURRENT YEAR APPROVED BUDGET AND INCREASES IN EXPENDITURES OVER THE PRIOR YEAR ARE CONSISTENT WITH THE MASTER PLAN.

(II) BY OCTOBER 1 OF EACH YEAR, THE COUNTY BOARD SHALL SUPPLEMENT THE UPDATE WITH A SUMMARY OF HOW THE BOARD'S ACTUAL PRIOR YEAR BUDGET AND ADDITIONAL EXPENDITURES IN THE PRIOR YEAR'S BUDGET ALIGNED WITH THE MASTER PLAN.

(c) The plan shall include:

(1) Goals and objectives as required under subsections (d) through (f) of this section that are aligned with State performance standards and local performance standards;

(2) Implementation strategies for meeting goals and objectives;

(3) Methods for measuring progress toward meeting goals and objectives;

(4) Time lines for implementation of the strategies for meeting goals and objectives;

(5) Time lines for meeting goals and objectives;

(6) A description of the alignment of the county board's budget with goals, objectives, and strategies for improving student achievement;

(7) The impact of the proposed goals, objectives, and implementation strategies on public school facilities and capital improvements that may be needed to implement the plan; and

(8) Any other information required by the State Superintendent.

(d) The plan shall include goals, objectives, and strategies regarding the performance of:

(1) Students requiring special education, as defined in § 5-209 of this title;

(2) Students with limited-English proficiency, as defined in § 5-208 of this title;

(3) Prekindergarten students;

(4) Kindergarten students;

(5) Gifted and talented students, as defined in § 8-201 of this article;

(6) Students enrolled in career and technology courses;

(7) Students failing to meet, or failing to make progress toward meeting, State performance standards, including any segment of the student population that is, on average, performing at a lower achievement level than the student population as a whole; and

(8) Any other segment of the student population identified by the State Superintendent.

(e) With regard to subsection (d)(7) of this section, the plan shall include strategies to address any disparities in achievement identified for any segment of the student population.

(f) (1) (i) The State Superintendent shall review each plan to determine whether the plan complies with the requirements of subsections (b) through (e) of this section.

(ii) If the State Superintendent determines that a plan does not comply with the requirements of subsections (b) through (e) of this section, the State Superintendent may require specific revisions to the plan.

(2) (i) The State Superintendent may review the content of each plan to assess whether the plan will have the effect of improving student achievement and increasing progress toward meeting State performance standards.

(ii) If the State Superintendent determines that a plan will not have the effect of improving student achievement and increasing progress toward meeting State performance standards, the State Superintendent may require specific revisions to the plan.

(3) A county board may not implement a plan unless it has been approved by the State Superintendent.

(Over)

(g) (1) A county board may submit a preexisting management plan to the Department as the county board's plan under subsection (b) of this section.

(2) If the State Superintendent determines that the preexisting management plan meets the requirements set forth in this section, the State Superintendent shall approve the preexisting management plan as the county board's plan.

(H) (1) THE STATE SUPERINTENDENT ANNUALLY SHALL REVIEW HOW EACH COUNTY BOARD'S CURRENT YEAR APPROVED BUDGET AND ACTUAL PRIOR YEAR BUDGET ALIGN WITH THE MASTER PLAN AND ANY UPDATES TO THE MASTER PLAN. THIS REVIEW MAY BE BASED ON THE INFORMATION REQUIRED TO BE SUBMITTED BY THE COUNTY BOARD UNDER SUBSECTION (B)(4) OF THIS SECTION AND ANY OTHER INFORMATION REQUIRED BY THE STATE SUPERINTENDENT.

(2) THE STATE SUPERINTENDENT ANNUALLY SHALL REPORT THE RESULTS OF THE BUDGET REVIEW BY DECEMBER 1 TO THE GOVERNOR, THE COUNTY GOVERNING BODY, AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

[(h)] (I) (1) If a school system fails to demonstrate progress toward improving student achievement and meeting State performance standards in each segment of the student population during a school year, the State Superintendent shall review the content of the plan [and], any updates to the plan, AND THE RESULTS OF THE ANNUAL REVIEW REQUIRED UNDER SUBSECTION (H)(1) OF THIS SECTION to assess whether the plan will have the effect of improving student achievement and increasing progress toward meeting State performance standards.

(2) If the State Superintendent determines that a plan will not have the effect of improving student achievement and increasing progress toward meeting State performance standards, the State Superintendent shall require specific revisions to the plan.

[(i)] (J) The State Superintendent shall advise the Governor and the General Assembly concerning the distribution of State funds to a county that fails to make progress toward improving student achievement and meeting State performance standards in each segment of the student population.

[(j)] (K) The State Board may withhold State funds from a county board if:

(1) A school system fails to demonstrate annual progress toward improving student achievement and meeting State performance standards in each segment of the student population; and

(2) Fails to develop a plan that meets the requirements of subsections (b) through (g) of this section or take any action required by the State Superintendent under this section.

[(k)] (L) (1) The State Superintendent shall review academic intervention programs and behavior modification programs to identify best practices.

(2) The State Superintendent shall periodically report on the best practices to the State Board, the county boards, the Governor, and, subject to § 2-1246 of the State Government Article, the General Assembly.

[(l)] (M) (1) Subject to paragraph (2) of this subsection, the Department shall adopt regulations as necessary to implement this section.

(2) The Department shall consult with county superintendents and county boards before promulgating proposed regulations to implement this section.

[(m)] (N) The Department may provide technical assistance to county boards in developing and implementing a plan.

[(n)] (O) The Governor shall include an appropriation for the Department in the State budget for each fiscal year in amount sufficient to cover the costs associated with implementing this section.”.

AMENDMENT NO. 4

On page 3, in line 28, strike “A” and substitute “AUDITS OF EACH LOCAL SCHOOL SYSTEM TO EVALUATE THE EFFECTIVENESS AND EFFICIENCY OF THE FINANCIAL”;

in the same line, strike “AND FINANCIAL”; in the same line, strike “AUDIT”; in line 29, strike “EACH” and substitute “THE”; and strike beginning with “TO” in line 29 down through “ARTICLE” in line 30.

On pages 3 and 4, strike in their entirety the lines beginning with line 31 on page 3 through line 4 on page 4, inclusive, and substitute:

“(2) THE AUDITS MAY BE PERFORMED CONCURRENTLY OR SEPARATELY.

“(3) THE EMPLOYEES OF THE OFFICE OF LEGISLATIVE AUDITS SHALL HAVE ACCESS TO AND MAY INSPECT THE RECORDS, INCLUDING THOSE THAT ARE CONFIDENTIAL BY LAW, OF ANY LOCAL SCHOOL SYSTEM TO PERFORM THE AUDITS AUTHORIZED UNDER THIS SECTION.

“(4) THE OFFICE OF LEGISLATIVE AUDITS SHALL PROVIDE INFORMATION REGARDING THE AUDIT PROCESS TO THE LOCAL SCHOOL SYSTEM BEFORE THE AUDIT IS CONDUCTED.

SECTION 2. AND BE IT FURTHER ENACTED, That the Office of Legislative Audits shall conduct a centralized audit of the master plans to determine overall compliance with § 5-401 of the Education Article, and the results shall be submitted to the Joint Audit Committee. The Office of Legislative Audits shall conduct the centralized audit by December 1, 2004.

SECTION 3. AND BE IT FURTHER ENACTED, That the first group of audits required under § 2-1220(f)(1) of the State Government Article shall include audits of any local school system with a negative fund balance in the general fund of 1% or more of general fund revenue in either of the prior 2 fiscal years.”.

On page 4, in line 5, strike “2.” and substitute “4.”.