

SENATE BILL 448

F1

9lr2108
CF HB 623

By: **Senator Edwards**

Introduced and read first time: February 4, 2009

Assigned to: Budget and Taxation

Committee Report: Favorable

Senate action: Adopted

Read second time: March 26, 2009

CHAPTER _____

1 AN ACT concerning

2 **Local School Systems – Biannual Financial Status Report Requirement –**
3 **Repeal**

4 FOR the purpose of repealing the requirement that a local superintendent of schools or
5 chief executive officer of a local school system file a certain biannual report on
6 the financial status of a local school system; requiring a certain local school
7 system that has a certain financial deficit to include certain information in a
8 certain annual audit; and generally relating to reporting requirements for local
9 school systems.

10 BY repealing and reenacting, with amendments,
11 Article – Education
12 Section 5–114
13 Annotated Code of Maryland
14 (2008 Replacement Volume)

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

17 **Article – Education**

18 5–114.

19 (a) In this section, “deficit” means a negative fund balance in the General
20 Fund of 1% or more of General Fund revenue at the end of the fiscal year.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (b) The State Superintendent and the Department shall[:

2 (1) Monitor] **MONITOR** the financial status of each local school
3 system[; and

4 (2) Report on a biannual basis the financial status of each local school
5 system to the Governor and, in accordance with § 2–1246 of the State Government
6 Article, the General Assembly].

7 [(c) A local superintendent or chief executive officer of a local school system
8 shall:

9 (1) File a biannual report on the financial status of the local school
10 system with the Superintendent and county governing body on or before April 30 and
11 December 31 of each fiscal year; and

12 (2) Attest to the accuracy of each biannual report when the report is
13 submitted to the Superintendent and county governing body.]

14 [(d)] **(C)** If a local school system does not file the annual audit results in a
15 timely manner with the State Superintendent as required by § 5–109 of this subtitle,
16 the State Superintendent shall:

17 (1) Immediately notify:

18 (i) The Department of Legislative Services;

19 (ii) The county governing body; and

20 (iii) The local board and local superintendent or chief executive
21 officer of the local school system; and

22 (2) Order that the audit report be filed within 10 days.

23 [(e)] **(D)** (1) A local school system may not carry a deficit as reported in
24 the annual audit under § 5–109 of this subtitle.

25 (2) If a local school system has a deficit, the State Superintendent
26 shall immediately notify the Governor, the General Assembly, the Department of
27 Legislative Services, and county governing body and shall require the local school
28 system to:

29 (i) Develop and submit for approval a corrective action cost
30 containment plan within 15 days;

1 (ii) File monthly status reports with the State Superintendent
2 and county governing body demonstrating actions taken to close the deficit and the
3 effect of the actions taken on the deficit; and

4 (iii) Include information on the corrective action cost
5 containment plan, actions taken to close the deficit, and status of the deficit in the
6 [biannual financial status reports] **ANNUAL AUDIT UNDER § 5-109 OF THIS**
7 **SUBTITLE** filed with the State Superintendent and county governing body.

8 (3) The State Superintendent shall include information on any local
9 school system deficit, corrective action cost containment plan, actions taken to close a
10 local school system deficit, and status of any local school system deficit in a quarterly
11 report to the Governor and the General Assembly, in accordance with § 2-1246 of the
12 State Government Article.

13 (4) If a local school system has a deficit:

14 (i) The Office of Legislative Audits may request any financial
15 information pertaining to the deficit and the corrective action cost containment plan;
16 and

17 (ii) The local superintendent or chief executive officer of a local
18 school system shall provide the requested information.

19 [(f) (E) If a local school system fails to comply with the requirements of
20 this section, the State Superintendent, with the approval of the State Board of
21 Education, shall notify the State Comptroller, who shall withhold 10% of the next
22 installment and each subsequent installment due the local school system from the
23 General State School Fund until the State Superintendent notifies the Comptroller
24 that the local school system is in full compliance with the requirements of this section.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 July 1, 2009.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.