

SB0310/655060/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 310
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “altering” insert “provisions of law relating to a waiver from the maintenance of effort requirement for funding public education; altering provisions specifying to whom and”; in line 4, strike “to the State Board of Education”; in line 6, strike “Board of Education” and substitute “Superintendent of Schools”; in line 8, strike “Board of Education” and substitute “Superintendent”; in line 9, after “denied;” insert “authorizing a county to appeal a decision by the State Superintendent regarding a waiver from the maintenance of effort requirement to the State Board of Education; requiring a county to file an appeal to the State Board within a certain period; requiring the State Board to conduct a hearing on the appeal, consider certain factors, and render a decision by a certain date; providing that the decision of the State Board is final; making the imposition of a penalty for a county’s noncompliance with certain maintenance of effort provisions applicable in a certain fiscal year;”; in line 10, before “making” insert “requiring the Maryland State Department of Education to report to the General Assembly on or before a certain date;”; in the same line, after “measure;” insert “providing for the termination of this Act;”; and in line 14, after “5-202(d)” insert “and 5-213”.

AMENDMENT NO. 2

On page 3, in lines 6 and 12, in each instance, strike “State Board of Education” and substitute “**STATE SUPERINTENDENT**”; in line 14, strike “**MAY 1**” and substitute “**APRIL 20**”; in lines 15 and 21, in each instance, strike “**BOARD OF EDUCATION**” and substitute “**SUPERINTENDENT**”; in line 17, strike “**ITS**” and substitute “**THE**”; and in the same line, after “**REGULATIONS**” insert “**OF THE DEPARTMENT**”.

(Over)

AMENDMENT NO. 3

On page 4, in lines 7 and 11, in each instance, strike “State Board of Education” and substitute “STATE SUPERINTENDENT”; in line 7, after “county” insert “IN WRITING”; in line 9, strike “45” and substitute “30”; in line 10, strike “JUNE 1” and substitute “MAY 20”; after line 16, insert:

“(VII) 1. IF THE STATE SUPERINTENDENT DENIES A COUNTY A WAIVER FOR A FISCAL YEAR IN WHOLE OR IN PART UNDER SUBPARAGRAPH (V) OF THIS PARAGRAPH, THE COUNTY MAY APPEAL THE DECISION OF THE STATE SUPERINTENDENT TO THE STATE BOARD.

2. THE APPEAL TO THE STATE BOARD SHALL BE IN WRITING AND FILED NO LATER THAN 5 DAYS AFTER THE COUNTY RECEIVES THE DECISION OF THE STATE SUPERINTENDENT.

3. THE STATE BOARD PROMPTLY SHALL CONDUCT A HEARING ON THE APPEAL AND RENDER A WRITTEN DECISION WHETHER TO UPHOLD, MODIFY, OR OVERTURN THE DECISION OF THE STATE SUPERINTENDENT BY THE EARLIER OF 7 DAYS AFTER THE STATE BOARD RECEIVES THE APPEAL OR JUNE 1 OF THE PRIOR FISCAL YEAR.

4. THE DECISION OF THE STATE BOARD SHALL BE MADE ON SUBSTANTIVE GROUNDS IN ACCORDANCE WITH THE FACTORS DESCRIBED IN SUBPARAGRAPH (IV) OF THIS PARAGRAPH.

5. THE DECISION OF THE STATE BOARD IS FINAL.

(a) After notification from the State Superintendent that a county is not complying with the provisions of the State program of public education, the State Comptroller shall withhold any installment due the county from the General State School Fund.

(b) (1) If the Superintendent finds that a county is not complying with the maintenance of local effort provisions of § 5–202 of this subtitle or that a county fails to meet the requirements of Subtitle 4 of this title, the Superintendent shall notify the county of such noncompliance.

(2) If a county disputes the finding within 30 days of the issuance of such notice, the dispute shall be promptly referred to the State Board of Education which shall make a final determination.

(3) Upon receipt of certification of noncompliance by the Superintendent or the State Board, as the case may be, the Comptroller shall suspend, until notification of compliance is received:

(I) FOR NONCOMPLIANCE WITH SUBTITLE 4 OF THIS TITLE, payment of any funds due the county for the current fiscal year, as provided under § 5–202 of this subtitle which are appropriated in the General State School Fund, to the extent that the State’s aid due the county in the current fiscal year under that section in the Fund exceeds the amount which the county received in the prior fiscal year; AND

(II) FOR NONCOMPLIANCE WITH § 5-202(D) OF THIS SUBTITLE, PAYMENT OF ANY FUNDS DUE THE COUNTY FOR THE FOLLOWING FISCAL YEAR, AS PROVIDED UNDER § 5-202 OF THIS SUBTITLE WHICH ARE APPROPRIATED IN THE GENERAL STATE SCHOOL FUND, IN THE AMOUNT THAT THE STATE’S AID DUE THE COUNTY IN THE CURRENT FISCAL YEAR UNDER THAT

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SECTION IN THE FUND EXCEEDED THE AMOUNT THAT THE COUNTY RECEIVED
IN THE PRIOR FISCAL YEAR.”;

before line 17, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2012, the Maryland State Department of Education shall report to the House Ways and Means Committee and the Senate Budget and Taxation Committee, in accordance with § 2-1246 of the State Government Article, on the implementation of this Act.”;

in line 17, strike “2.” and substitute “3.”; and in line 21, after “enacted.” insert “It shall remain effective through June 30, 2013, and, at the end of June 30, 2013, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.