

# HOUSE BILL 1138

F1

4lr1194

---

By: **Delegates Smigiel, Jacobs, and Otto**

Introduced and read first time: February 7, 2014

Assigned to: Ways and Means

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Education – County Boards of Education – Control and Management of**  
3 **Public Schools**

4 FOR the purpose of providing that the decisions of a county board of education  
5 regarding matters relating to the standards, curriculum, and courses of study in  
6 the public schools in their jurisdiction are final and may not be subject to  
7 certain review; repealing certain control over the public schools and educational  
8 interests of the State; providing that the guidelines for the program of  
9 instruction for public schools in the State by the State Board of Education are  
10 voluntary; providing that each county board has the control and management of  
11 all public schools it operates in its jurisdiction; authorizing a county board to  
12 establish a public school within its jurisdiction subject to consultation with the  
13 State Superintendent of Schools; repealing the requirement that a new public  
14 school be approved by the State Superintendent; making conforming and  
15 stylistic changes; and generally relating to the control and management of  
16 public schools by county boards of education.

17 BY repealing and reenacting, with amendments,  
18 Article – Education  
19 Section 2–205(g) and (h), 4–101, 4–108, 4–109, and 4–111  
20 Annotated Code of Maryland  
21 (2008 Replacement Volume and 2013 Supplement)

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

24 **Article – Education**

25 2–205.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4 (2) Through the State Superintendent, the State Board shall exercise  
5 general [control and] supervision over the public schools and educational interests of  
6 this State.

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

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

12 (h) (1) With the advice of the State Superintendent, the State Board shall  
13 establish basic policy and **VOLUNTARY** guidelines for the program of instruction for  
14 the public schools.

15 (2) The policy and **VOLUNTARY** guidelines shall be printed in  
16 sufficient quantities to provide copies to:

17 (i) Public school officials and teachers;

18 (ii) Private schools; and

19 (iii) Interested citizens of this State.

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

24 4-101.

25 (a) (1) [Subject to the provisions of Subtitle 4 of this title, educational]  
26 **EDUCATIONAL** matters that affect the counties shall be under the control of a county  
27 board of education in each county.

28 (2) **NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS**  
29 **ARTICLE, THE DECISIONS OF A COUNTY BOARD REGARDING MATTERS RELATING**  
30 **TO STANDARDS, CURRICULUM, AND COURSES OF STUDY IN THE PUBLIC**  
31 **SCHOOLS WITHIN ITS JURISDICTION:**

32 (I) **SHALL BE FINAL; AND**

1                                   **(II) MAY NOT BE SUBJECT TO FURTHER REVIEW.**

2           (b) Each county board shall seek in every way to promote the interests of the  
3 schools under its jurisdiction.

4 4–108.

5           Each county board shall:

6                                   **(1) HAVE THE CONTROL AND MANAGEMENT OF ALL THE PUBLIC**  
7 **SCHOOLS THAT IT OPERATES IN ITS JURISDICTION;**

8                                   **[(1)] (2)** To the best of its ability carry out the applicable provisions  
9 of this article and the bylaws, rules, regulations, and policies of the State Board;

10                                   **[(2)] (3)** Maintain throughout its county a reasonably uniform  
11 system of public schools that is designed to provide quality education and equal  
12 educational opportunity for all children;

13                                   **[(3)] (4)** Subject to this article and to the applicable bylaws, rules,  
14 and regulations of the State Board, determine, with the advice of the county  
15 superintendent, the educational policies of the county school system; and

16                                   **[(4)] (5)** Adopt, codify, and make available to the public bylaws,  
17 rules, and regulations not inconsistent with State law, for the conduct and  
18 management of the county public schools.

19 4–109.

20           (a) Subject to [approval by] **CONSULTATION WITH** the State Superintendent  
21 and in accordance with the applicable bylaws, rules, and regulations of the State  
22 Board, a county board may establish a public school if, in its judgment, it is advisable.

23           (b) [On approval by the State Superintendent, any] **ANY** school established  
24 under this section becomes a part of the [State] program of public education **IN THIS**  
25 **STATE.**

26           (c) With the advice of the county superintendent, the county board shall  
27 determine the geographical attendance area for each school established under this  
28 section.

29 4–111.

30           (a) Subject to the applicable provisions of this article and the bylaws, basic  
31 policies, and **VOLUNTARY** guidelines established by the State Board, each county  
32 board, on the written recommendation of the county superintendent, shall:

1                   (1)     Establish **STANDARDS**, curriculum guides, and courses of study for  
2 the schools under its jurisdiction, including appropriate programs of instruction or  
3 training for mentally or physically handicapped children; and

4                   (2)     Supply printed copies of these materials to any teacher or  
5 interested citizen.

6                   (b)     A county board may give academic credit for the study of American Sign  
7 Language.

8                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 July 1, 2014.