

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 1138
Ways and Means

(Delegate Smigiel, *et al.*)

Education - County Boards of Education - Control and Management of Public Schools

This bill establishes that the decisions of a local board of education regarding matters relating to standards, curriculum, and courses of study in the public schools within its jurisdiction are final and may not be subject to further review. The bill also repeals the control of the State Board of Education over the public schools and educational interests of the State. The bill makes the guidelines for the program of instruction for public school in the State adopted by the State Board of Education voluntary. The bill also establishes that each local board of education has the control and management of all the public schools that it operates in its jurisdiction. Subject to consultation with, rather than approval of, the State Superintendent of Schools, a local board of education may establish a public school within its jurisdiction. Subject to current laws and the bylaws, basic policies, and *voluntary* guidelines established by the State Board of Education, each local board of education, on the written recommendation of the local superintendent must establish standards.

The bill takes effect July 1, 2014.

Fiscal Summary

State Effect: Educational standards, curriculum, and courses of study adopted by local boards of education may conflict with those established by the State Board of Education in a manner that puts the State out of compliance with the federal Elementary and Secondary Education Act (ESEA); thus, jeopardizing up to \$206.6 million in federal Title I funds. Any conflicting educational standards, curriculum, and courses of study adopted by a local school system may also jeopardize \$197.4 million in federal Individuals with Disabilities Act (IDEA) funds, \$15.3 million in Perkins Act funds; and \$51.0 million in other federal funds.

Local Effect: Local school system federal Title I funds, IDEA funds, Perkins Act funds, and other federal funds may be jeopardized. Local boards of education could also adopt educational standards, curriculum, and courses of study that are more or less expensive than those adopted by the State Board of Education.

Small Business Effect: None.

Analysis

Current Law/Background: Through the State Superintendent of Schools, the State Board of Education must exercise general *control* and supervision over the public schools and education interests of the State.

With the advice of the State Superintendent of Schools, the State Board of Education must *establish* basic policy and guidelines for the program of instruction for the public schools.

Subject to current law, educational matters that affect the counties must be under the control of a local board of education in each county or Baltimore City. Each local board of education must seek in every way to promote the interests of the public schools under its jurisdiction.

Each local board of education must (1) to the best of its ability carry out the applicable provisions of the Education Article and the bylaws, rules, regulations, and policies of the State Board of Education; (2) maintain throughout its jurisdiction a reasonably uniform system of public schools that is designed to provide quality education and equal educational opportunity for all children; (3) subject to the Education Article and the applicable bylaws, rules, and regulations of the State board determine, with the advice of the local superintendent, the educational policies of the local school system; and (4) adopt, codify, and make available to the public bylaws, rules, and regulations not inconsistent with State law for the conduct and management of the local public schools.

The State Board of Education may institute legal proceedings to enforce (1) the provisions of the Education Article that are within its jurisdiction and (2) the bylaws, rules, and regulations adopted by the State board. Without charge and with the advice of the Attorney General, the State board must explain the true intent and meaning of the provisions of (1) the laws that are within its jurisdiction and (2) the bylaws, rules, and regulations adopted by the State board. The State board must decide all controversies and disputes under these provisions. The decision of the State board is final.

Subject to approval by the State Superintendent of Schools and in accordance with the applicable bylaws, rules, and regulations of the State Board of Education, a local board of education may establish a public school if, in its judgment, it is advisable. On approval by the State Superintendent, any school established under this provision becomes a part of the State program of public education.

Subject to the applicable provisions of the Education Article and bylaws, basic policies, and guidelines established by the State Board of Education, each local board of education, on written recommendation of the local superintendent must establish curriculum guides and courses of study for the schools under its jurisdiction, including appropriate programs of instruction or training for mentally or physically handicapped children; and supply printed copies of these materials to any teach or interested citizen.

Federal Education Requirements

ESEA, also known as the No Child Left Behind Act (NCLB), sets out requirements “to ensure that all children have a fair, equal and significant opportunity to obtain a high-quality education...”

Section 1111(a)(1) of NCLB requires any *state* desiring to receive a grant for federal Title I funds to submit a plan to the U.S. Secretary of Education. Section 1111(b)(1)(A) requires each *state* to adopt challenging academic *content standards* and challenging student academic achievement standards that will be used by the state, its local school systems, and public schools. Section 1111(b)(1)(B) requires the academic standards to be “*the same academic standards that the state applies to all schools and children in the state.*” Section 1111 (b)(1)(C) requires states to have academic standards in, at least, mathematics, reading or language arts, and science. Section 1111(b)(3)(A) requires the state to implement a set of yearly student academic assessments that are used as the primary means of determining the yearly performance of the state, local school system, and school in the state in enabling all children to meet the state’s challenging student academic achievement standards.

State Revenues: The bill enables a local board of education to adopt standards, curriculum, and courses of study that are inconsistent with the standards, curriculum, and courses of study adopted by the State Board of Education. However, in order to *receive* Title I federal grant funds of approximately \$206.6 million in fiscal 2015 under ESEA, a *state* must have the same academic standards and the same assessments across the state. In addition, other federal grants require that state plans have certain consistent policies across all local school systems. Thus, any conflicting educational policies adopted by a local school system may also jeopardize \$197.4 million in federal IDEA funds, \$15.3 million in Perkins Act funds, and \$51.0 million in other federal funds. It is assumed that if one local school system adopts a conflicting educational policy, the relevant federal funding for all local school systems will be jeopardized.

Local Revenues: Local school system federal Title I funds, IDEA funds, Perkins Act funds, and other federal funds may be jeopardized, as these funds flow through the Maryland State Department of Education to local school systems. It is assumed that if one local school system adopts a conflicting standards, curriculum, and courses of study, the relevant federal funding for all local school systems will be jeopardized.

Local Expenditures: Local boards of education could adopt educational standards, curriculum, and courses of study that are more or less expensive than those adopted by the State Board of Education. However, any cost savings for the local school system may be offset by the potential loss of federal funds, which cannot be reliably estimated at this time.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Department of Education, Department of Legislative Services

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