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By: **Delegate Klausmeier**

Introduced and read first time: February 13, 1998

Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **Maryland School for the Blind - Board of Trustees, Funding, and Services**

3 FOR the purpose of providing that the Maryland School for the Blind shall be  
4 governed by a certain Board of Trustees; providing for the membership of the  
5 Board of Trustees; providing for the term of a member of the Board of Trustees;  
6 requiring the Maryland School for the Blind to establish and operate a program  
7 of enhanced services for blind students who have other severe disabilities;  
8 providing for the placement of students in the enhanced program; requiring the  
9 State and certain counties under certain circumstances to share in paying the  
10 costs of the program; requiring the School and the Department of Education to  
11 enter into a written agreement regarding certain monitoring of the School by the  
12 Department and certain assistance from the Department to the School;  
13 authorizing certain agreements between the School and certain other agencies;  
14 defining certain terms; establishing a formula to calculate certain mandatory  
15 annual funding obligations for the State; including the Maryland School for the  
16 Blind among entities for which the Governor may not reduce appropriations;  
17 and generally relating to the Maryland School for the Blind.

18 BY adding to  
19 Article - Education  
20 Section 8-314 through 8-317  
21 Annotated Code of Maryland  
22 (1997 Replacement Volume and 1997 Supplement)

23 BY repealing and reenacting, without amendments,  
24 Article - Education  
25 Section 8-415(d)(1)  
26 Annotated Code of Maryland  
27 (1997 Replacement Volume and 1997 Supplement)

28 BY repealing and reenacting, with amendments,  
29 Article - State Finance and Procurement  
30 Section 7-213(b)  
31 Annotated Code of Maryland

1 (1995 Replacement Volume and 1997 Supplement)

2 Preamble

3 WHEREAS, The Maryland School for the Blind provides an essential service for  
4 some blind children in the State; and

5 WHEREAS, A minimum level of funding is necessary to cover the costs of  
6 inflation and enrollment growth and to ensure adequate maintenance of the School's  
7 existing programs; and

8 WHEREAS, Education programs and other services to the School's students  
9 should not be reduced or disrupted during the school year as a result of mid-year  
10 appropriation reductions; and

11 WHEREAS, There is a need to expand the educational options in Maryland for  
12 students who have other severe disabilities; and

13 WHEREAS, The Maryland Department of Education has the responsibility to  
14 monitor the programs provided by the School; now, therefore,

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 8-314.

19 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
20 INDICATED.

21 (2) "BOARD" MEANS THE BOARD OF TRUSTEES OF THE MARYLAND  
22 SCHOOL FOR THE BLIND.

23 (3) "SUPERINTENDENT" MEANS THE STATE SUPERINTENDENT OF  
24 SCHOOLS.

25 (B) THE MARYLAND SCHOOL FOR THE BLIND SHALL BE GOVERNED BY THE  
26 BOARD.

27 (C) (1) THE BOARD CONSISTS OF 25 MEMBERS.

28 (2) (I) OF THE 25 MEMBERS OF THE BOARD:

29 1. 5 SHALL BE APPOINTED JOINTLY BY THE GOVERNOR AND  
30 THE SUPERINTENDENT; AND

31 2. 20 SHALL BE APPOINTED BY THE MEMBERS OF THE  
32 BOARD APPOINTED UNDER ITEM 1 OF THIS SUBPARAGRAPH, SUBJECT TO  
33 SUBPARAGRAPH (II) OF THIS PARAGRAPH.

1 (II) 1. THE 5 MEMBERS APPOINTED JOINTLY BY THE GOVERNOR  
2 AND THE SUPERINTENDENT SHALL DEVELOP WRITTEN CRITERIA FOR THE  
3 APPOINTMENT OF THE OTHER 20 BOARD MEMBERS AND ENSURE THAT THE WRITTEN  
4 CRITERIA IS APPROVED BY THE SUPERINTENDENT.

5 2. THE SELECTION OF THE 20 BOARD MEMBERS BY THE 5  
6 MEMBERS SHALL BE GOVERNED BY THE WRITTEN CRITERIA REQUIRED UNDER ITEM  
7 1 OF THIS SUBPARAGRAPH BY THE SUPERINTENDENT.

8 (3) (I) THE TERM OF A MEMBER IS 3 YEARS.

9 (II) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE  
10 UNTIL A SUCCESSOR IS SELECTED.

11 (III) NO MEMBER OF THE BOARD MAY BE REAPPOINTED FOR MORE  
12 THAN 1 ADDITIONAL TERM.

13 (IV) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN  
14 SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED.

15 (V) ANY VACANCY SHALL BE FILLED IN THE SAME MANNER IN  
16 WHICH THE VACATING MEMBER WAS APPOINTED.

17 8-315.

18 (A) THE MARYLAND SCHOOL FOR THE BLIND SHALL ESTABLISH AND  
19 OPERATE A PROGRAM OF ENHANCED SERVICES FOR BLIND STUDENTS WHO HAVE  
20 OTHER SEVERE DISABILITIES.

21 (B) THE MARYLAND SCHOOL FOR THE BLIND SHALL INCLUDE A DESCRIPTION  
22 OF THE PROGRAM IN THE WRITTEN AGREEMENT WITH THE DEPARTMENT OF  
23 EDUCATION REQUIRED UNDER § 8-316 OF THIS SUBTITLE.

24 (C) THE COSTS OF PROVIDING ENHANCED SERVICES TO A CHILD UNDER THE  
25 PROGRAM SHALL BE PAID TO THE SCHOOL AND BE PROVIDED JOINTLY BY THE  
26 STATE AND BY THE COUNTY IN WHICH THE CHILD IS DOMICILED AS PROVIDED IN  
27 SUBSECTION (D) OF THIS SECTION.

28 (D) (1) THE CHILD SHALL BE JOINTLY PLACED IN THE ENHANCED  
29 PROGRAM, IN ACCORDANCE WITH PROCEDURES FOR STUDENTS WITH DISABILITIES,  
30 BY THE LOCAL SCHOOL SYSTEM AND THE MARYLAND SCHOOL FOR THE BLIND.

31 (2) THE COUNTY IN WHICH A CHILD PLACED IN THE ENHANCED  
32 PROGRAM IS DOMICILED SHALL PAY THE LOCAL SHARE OF THE "BASIC COST", AS  
33 DEFINED IN § 8-415(D)(1) OF THIS TITLE, OF THE EDUCATION FOR THAT CHILD.

34 (3) THE STATE SHALL PAY THE REMAINING COST OF PROVIDING  
35 SERVICES UNDER THE PROGRAM TO THE CHILD.

1 8-316.

2 (A) THE DEPARTMENT OF EDUCATION AND THE MARYLAND SCHOOL FOR THE  
3 BLIND SHALL ENTER INTO A WRITTEN AGREEMENT.

4 (B) THE AGREEMENT SHALL PROVIDE FOR MONITORING AND REVIEW BY THE  
5 DEPARTMENT OF THE MARYLAND SCHOOL FOR THE BLIND, INCLUDING:

6 (1) REVIEW BY THE DEPARTMENT OF THE ANNUAL BUDGET APPROVED  
7 BY THE BOARD OF THE MARYLAND SCHOOL FOR THE BLIND;

8 (2) MONITORING BY THE DEPARTMENT OF THE MARYLAND SCHOOL FOR  
9 THE BLIND'S PROGRAM OF ENHANCED SERVICES FOR BLIND STUDENTS WHO HAVE  
10 SEVERE DISABILITIES, INCLUDING THE CRITERIA APPROVED BY THE BOARD OF THE  
11 MARYLAND SCHOOL FOR THE BLIND FOR THE ADMISSION OF STUDENTS TO THE  
12 PROGRAM;

13 (3) CONSULTATION BETWEEN THE DEPARTMENT AND THE MARYLAND  
14 SCHOOL FOR THE BLIND ON ISSUES OF BLIND EDUCATION;

15 (4) ASSISTANCE FROM THE DEPARTMENT IN DEVELOPING  
16 AGREEMENTS BETWEEN THE MARYLAND SCHOOL FOR THE BLIND AND LOCAL  
17 SCHOOL SYSTEMS AND OTHER STATE AND LOCAL AGENCIES FOR PROVISION OF  
18 SERVICES TO BLIND CHILDREN; AND

19 (5) MONITORING BY AND ASSISTANCE FROM THE DEPARTMENT  
20 REGARDING OTHER ASPECTS OF THE MARYLAND SCHOOL FOR THE BLIND'S  
21 EDUCATIONAL PROGRAM AND SERVICES TO BLIND CHILDREN AS REQUIRED BY  
22 FEDERAL OR STATE LAW.

23 (C) (1) THE MARYLAND SCHOOL FOR THE BLIND MAY ENTER INTO WRITTEN  
24 AGREEMENTS WITH STATE AND LOCAL AGENCIES, INCLUDING LOCAL SCHOOL  
25 SYSTEMS, FOR THE PURPOSE OF PROVIDING SERVICES TO BLIND CHILDREN.

26 (2) THIS SUBSECTION IN NO WAY ABROGATES THE OBLIGATION OF THE  
27 LOCAL SCHOOL SYSTEMS TO PROVIDE ALTERNATIVE PROGRAMS FOR BLIND  
28 STUDENTS.

29 8-317.

30 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
31 INDICATED.

32 (2) "4-YEAR AVERAGE ANNUAL FULL-TIME EQUIVALENT ENROLLMENT"  
33 MEANS:

34 (I) THE AVERAGE NUMBER OF STUDENTS ENROLLED ANNUALLY  
35 IN GRADES PREKINDERGARTEN THROUGH GRADE 12 AT THE MARYLAND SCHOOL  
36 FOR THE BLIND DURING 4 CONSECUTIVE SCHOOL YEARS AS DETERMINED BY

1 DIVIDING THE AGGREGATE MONTHLY ENROLLMENT DURING THE 4-YEAR PERIOD BY  
2 THE NUMBER OF MONTHS SCHOOL IS IN SESSION DURING THE 4-YEAR PERIOD; AND

3 (II) ONE-HALF THE AVERAGE NUMBER OF CHILDREN SERVED  
4 ANNUALLY BY THE MARYLAND SCHOOL FOR THE BLIND'S EARLY INTERVENTION  
5 PROGRAM DURING 4 CONSECUTIVE SCHOOL YEARS AS DETERMINED BY DIVIDING  
6 THE PROGRAM'S AGGREGATE MONTHLY ENROLLMENT DURING THE 4-YEAR PERIOD  
7 BY THE NUMBER OF MONTHS SCHOOL IS IN SESSION DURING THE 4-YEAR PERIOD.

8 (3) "GROWTH IN THE PER PUPIL BASIC CURRENT EXPENSE FIGURE"  
9 MEANS THE CHANGE IN THE PER PUPIL BASIC CURRENT EXPENSE FIGURE FROM  
10 THE PRIOR FISCAL YEAR TO THE CURRENT FISCAL YEAR DIVIDED BY THE PER PUPIL  
11 BASIC CURRENT EXPENSE FIGURE FROM THE PRIOR FISCAL YEAR.

12 (4) "PER PUPIL BASIC CURRENT EXPENSE FIGURE" MEANS THE FIGURE  
13 CALCULATED FOR EACH FISCAL YEAR BY THE DEPARTMENT IN ACCORDANCE WITH §  
14 5-202 OF THIS ARTICLE.

15 (5) "WEIGHTED ENROLLMENT GROWTH" MEANS THE PRODUCT OF 0.2  
16 TIMES THE CHANGE IN THE 4-YEAR AVERAGE ANNUAL FULL-TIME EQUIVALENT  
17 ENROLLMENT FROM THE 3RD THROUGH THE 6TH PRIOR SCHOOL YEARS TO THE 2ND  
18 THROUGH THE 5TH PRIOR SCHOOL YEARS DIVIDED BY THE 4-YEAR AVERAGE  
19 ANNUAL FULL-TIME EQUIVALENT ENROLLMENT FROM THE 3RD THROUGH THE 6TH  
20 PRIOR SCHOOL YEARS.

21 (B) THE MARYLAND SCHOOL FOR THE BLIND SHALL RECEIVE AN  
22 APPROPRIATION EQUAL TO OR GREATER THAN THE SUM OF:

23 (1) 75% OF THE PRIOR YEAR APPROPRIATION MULTIPLIED BY THE  
24 PRODUCT OF:

25 (I) THE SUM OF THE WEIGHTED ENROLLMENT GROWTH PLUS  
26 ONE; AND

27 (II) THE SUM OF THE GROWTH IN THE PER PUPIL BASIC CURRENT  
28 EXPENSE FIGURE PLUS ONE; AND

29 (2) 25% OF THE PRIOR YEAR APPROPRIATION MULTIPLIED BY THE SUM  
30 OF THE WEIGHTED ENROLLMENT GROWTH PLUS ONE.

31 (C) PRIOR BASE YEAR SHALL BE THE APPROPRIATION FOR FISCAL YEAR 1999  
32 PLUS \$1,300,000.

33 8-415.

34 (d) (1) In this subsection, "basic cost" as to each county, means the average  
35 amount spent by the county from county, State, and federal sources for the public  
36 education of a nonhandicapped child. "Basic cost" does not include amounts  
37 specifically allocated and spent for identifiable compensatory programs for  
38 disadvantaged children.

**Article - State Finance and Procurement**

2 7-213.

3 (b) (1) The Governor may not reduce an appropriation to the Legislative  
4 Branch or the Judicial Branch of the State government.

5 (2) The Governor may not reduce an appropriation for:

6 (i) payment of the principal of or interest on the State debt;

7 (ii) public schools, including the Maryland School for the Deaf AND  
8 THE MARYLAND SCHOOL FOR THE BLIND; or

9 (iii) the salary of a public officer, during the term of office.

10 (3) Except as provided in § 8-109 of the State Personnel and Pensions  
11 Article, the Governor may not reduce an appropriation for the salary of any  
12 nontemporary employee in the State Personnel Management System.

13 SECTION 2. AND BE IT FURTHER ENACTED, That:

14 (a) The provisions of this Act relating to the formula for determining annual  
15 appropriations for the Maryland School for the Blind may not be implemented until  
16 the fiscal year beginning on July 1, 1999.

17 (b) The provisions of this Act created in § 8-315 of the Education Article  
18 relating to funding for the program of enhanced services for blind students who have  
19 severe disabilities shall be implemented for the fiscal year beginning on July 1, 1998.

20 SECTION 3. AND BE IT FURTHER ENACTED, That:

21 (a) Any person who is a member of the Board of Trustees when this Act  
22 becomes effective shall continue to serve on the Board of Trustees until the end of the  
23 person's term.

24 (b) Each vacancy occurring after the effective date of this Act shall be filled by  
25 a member appointed by the Governor and the Superintendent until the total number  
26 of members appointed by the Governor and Superintendent is five.

27 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 July 1, 1998.