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February 7, 1978

SUPPLEMENTAL REPORT

SUMMARY OF EDUCATION ARTICLE ISSUES AND AMENDMENTS

This supplement to the Report to the General Assembly on SB 222, the Education Article, highlights the major issues in the bill and their resolution. In addition, it discusses the amendments that have been proposed and indicates which are significant and which are merely technical corrections.

DIVISIONS I AND II

As noted on page 11 of the report, the source law is ambiguous concerning the procedures for removal of members of various boards including county boards o f education. These ambiguities have been resolved by giving a person charged an appropriate period in which to request a hearing and providing other procedures concerning the hearing.

As is also explained on page 11 of the report, Baltimore City has been included in the definition of "county" at the beginning of

the article. Throughout the article great care has been taken to insure that in all instances where Baltimore City is excepted in the present provisions of the law, the exception has been carried forward. Amendment No. 81 adds an additional section to emphasize further that in the preparation of this article there has been no intention to make any substantive change in the present relationships under existing law among various Baltimore City agencies.

It was noted at the joint committee hearing that the academic requirements for the State and county superintendents of schools were inconsistent as to the requirements for study at a college or university. Amendment No. 5 makes these requirements uniform and consistent with institution terminology.

The detailed election procedures for the elected members of county boards of education have not been included in Title 3. They are transferred to Art. 33, the Election Code, by §5 of the bill, beginning on page 535. To insure that the election procedures are transferred without any unintentional substantive change, these provisions have been transferred in Amendment No. 80 without revision.

In its report, the Commission pointed out (page 16, paragraph 5 and Appendix A, issue #1) that the open meeting provisions for elected county boards in Title 3 of the Education Article may be appropriate for repeal, in light of the recently enacted "Sunshine law" (Art. 76A, §§7-15) and §4-106(e) of the Education Article. In response to an inquiry concerning the possible effect of SB 222 as a later enactment, counsel to the General Assembly indicated that while it was his opinion that SB 222 would not prevail over Art. 76A provisions, it might be

appropriate to amend SB 222 to clarify the point. Amendment No. 78 has been prepared to accomplish this purpose.

Amendments 10 through 14 are added to provide greater clarity and consistency in provisions concerning the boards of education. Amendment No. 15 applies to the Prince George's County Board and clarifies the references to school board districts and election districts.

Amendment No. 16 excepts the Superintendent of Public Instruction of Baltimore City from serving as treasurer of the Board of School Commissioners. This amendment resolves issue No. 5 raised in Appendix A and also on page 19 of the report.

Amendment No. 22 addresses issue No. 6 in the appendix to the report and imposes a 30-day time limit for appeals from a decision of the county superintendent to the county board. This matches the time frame within which appeals must be taken from the county board to the State board and fills a gap in the source law.

In several places in the bill, primarily in Title 5 relating to financing, the Commission utilized the term "county governing body" in an effort to provide greater consistency. As a result of difficulties that have been pointed out in the application of this phrase to the counties with differing forms of government, it was decided to return to the precise langauage of the source law and refer specifically to the county council, county commissioners, and mayor and city council of Baltimore, as appropriate. Amendments 19, 20, 23 24, 25, 31, 44, and 65 all are drawn to resolve these difficulties

and return to the source law relating to county government and fiscal authorities.

Amendments 33 through 35 clarify provisions relating to employee organizations.

Issue No. 7 in the Appendix to the report (also page 23, paragraph 2 of the report) is being addressed in a separate bill.

DIVISION III

As noted on page 26 of the report, it was planned to place the Fire-Rescue Education Training Commission and the Fire and Rescue Institute provisions in Art. 38A. This decision has been changed and amendments 47 and 53 incorporate the provisions for these two bodies in the Education Article. No substantive changes in these organizations have been made.

Amendments 49 and 50 have been added to state with greater precision the status and powers of the University of Maryland and its Board of Regents. These amendments were prepared at the request of the University and conform to the source law. Also concerning the status of the University, Amendment No. 51 substitutes the Department of General Services for the Central Purchasing Bureau to reflect present nomenclature.

Issue No. 8 in the Appendix concerning the spending of receipts of certain fees at various branches of the University will be treated by separate legislation (see also paragraph 4 on page 27).

Issue No. 9 raised in Appendix A of the report concerning the term of office of the faculty on Boards of Visitors also will be

resolved by separate legislation.

Issue No. 10 concerning the teacher training program required to be offered at each of the State universities and colleges is resolved in Amendment No. 54. This amendment inserts an exception for the University of Baltimore which is an upper level institution and does not have a teacher training program.

Amendment No. 57 reinserts a phrase in the source law requiring that community college budgets be prepared and considered in accordance with county fiscal procedures and "not inconsistent with State law". This has been done at the request of the State Board for Community Colleges.

Amendment No. 60 concerning refunds of scholarship money where the recipient withdraws from an institution was prepared at the request of the committees following the joint hearing and directs that the refund will be made to the State Scholarship Board or other donor as appropriate.

Item 11 in the Appendix is addressed by Amendment No. 61, which conforms with the source law.

Amendment No. 63 answers the questions raised in item 12 in the Appendix and in paragraph 6 on page 39 of the report. It requires a scholarship recipient to continue to have financial need during the entire period that he is receiving the scholarship. This provision complies with federal requirements and is also the present practice of the State Scholarship Board.

Amendment No. 79 addresses the issue raised in paragraph 10 on page 40 of the bill as to scholarships awarded under the House of Delegates scholarship program in former years that were in excess of the amount presently permitted. The amendment adds language to the bill restating the intention of the General Assembly that the prior authorization remains valid so long as the student continues to meet the applicable requirements.

The issue raised in item 13 of the Appendix and in paragraph 11 on page 40 of the report concerning uniformity in the definition of "child" that relates to scholarships for certain military personnel will be addressed by a separate bill.

Amendments No. 67 and 69 make minor additions to the phrasing concerning vocational-technical education to comply with the source law and federal law.

In Title 21, dealing with sheltered workshops, Amendment No. 70 addresses the question raised in paragraph 4 on pages 42 and 43 of the report and deletes the lengthy list of disabilities in favor of an appropriate general statement. This also avoids the possibility of a case involving a disability that was omitted inadvertently from the list.

DIVISION IV

Amendment No. 72 restates the source law concerning the powers and duties of the Boards of Trustees of the Enoch Pratt Free Library and Washington County Free Library to clarify the continuing effect of certain past statutes.

All other amendments are of a technical nature, correcting grammatical and typographical errors and conforming provisions stylistically or to the source law.

Respectfully submitted,

Geoffrey D. Cant
Director

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