

Chapter 672

(House Bill 709)

AN ACT concerning

Education – Maryland School for the Blind – Funding

FOR the purpose of requiring teachers and professional personnel at the Maryland School for the Blind to be paid an annual salary at least equal to a certain amount paid in Baltimore County to certain personnel; requiring the Governor to appropriate a certain amount for certain services; adding to a certain calculation one-half of the average number of children served by the School for the Blind for a certain program; requiring the School for the Blind to submit certain information in a certain form; reorganizing and recodifying without substantive change provisions of law relating to the Maryland School for the Deaf; making stylistic changes; repealing obsolete provisions of law; making conforming changes; and generally relating to funding for the Maryland School for the Blind and reorganizing and recodifying provisions of law for the Maryland School for the Deaf.

BY repealing

Article – Education

Section 8–304, 8–305, 8–310.1 through 8–310.3, 8–312, and 8–313

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 7–101(b)(4); and 8–301 through 8–303, 8–306, 8–307, 8–307.1, and 8–308 through 8–310, 8–311, and 8–314 through 8–319 to be under the amended subtitle “Subtitle 3. Education of Blind Children”

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

BY adding to

Article – Education

Section 8–3A–01 through 8–3A–11 to be under the new subtitle “Subtitle 3A. Education of Deaf Children”

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 8–304, 8–305, 8–310.1 through 8–310.3, 8–312, and 8–313 of the Education Article of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Education

7–101.

(b) (4) Nothing in this section alters the requirements for out-of-county placements contained in § 4–122 and Title 8, Subtitles 3, **3A**, and 4 of this article or in any other State or federal law.

Subtitle 3. [Deaf and] **EDUCATION OF** Blind Children.

8–301.

[(a)] In this subtitle [the following words have the meanings indicated.

(b) “Blind], “**BLIND** child” means a child 6 years old or older and under 19 who has a visual impairment and because of that impairment cannot progress satisfactorily in an ordinary public or private school.

[(c) “Deaf child” means a child 6 years old or older and under 19 who has a hearing impairment and because of that impairment cannot progress satisfactorily in an ordinary public or private school.]

8–302.

(a) This section does not apply to a child whose physical condition makes [his] **THE CHILD’S** instruction under this section inexpedient or impracticable.

(b) Each [deaf or] blind child shall attend a school or classes for the [deaf or] blind during the school year unless the child otherwise is receiving regular, thorough instruction during the school year in studies usually taught in the public schools to children of the same age.

(c) A superintendent or principal of a school for the [deaf or] blind or an individual authorized by a superintendent or principal may excuse a [deaf or] blind child for a necessary absence.

(d) Each person who has a [deaf or] blind child under [his] **THE PERSON’S** control shall see that the child attends school or receives instruction as required by this section.

8–303.

The Department, each county board, [the Maryland School for the Deaf,] and the Maryland School for the Blind shall work together to meet the educational needs of [deaf and] blind children.

[8-306.] 8-304.

(a) The Maryland School for the Blind shall adopt written standards for the admission and dismissal of students.

(b) The standards and any amendments shall be submitted to the State Board for approval under § 2-206 of this article.

(c) The State Board may require modifications to the standards as it considers necessary.

[8-307.] 8-305.

(a) If the Maryland School for the Blind refuses to admit a child or dismisses a child, a parent or guardian of the child may make a written request to the Office of Administrative Hearings that a review be conducted to determine if the decision was appropriate.

(b) A review shall be conducted pursuant to the provisions of § 8-413 of this title.

[8-307.1.] 8-306.

Each local education agency in the State shall notify the parents or guardians of each blind or visually impaired child, including children with multiple disabilities, of the availability of the educational programs offered by the Maryland School for the Blind.

[8-308.] 8-307.

Under § 2-206 of this article, [the Maryland School for the Deaf and] the Maryland School for the Blind shall keep the State Board fully informed as to the educational program and administrative policies of the schools under their jurisdiction.

[8-309.] 8-308.

Teachers and any other professional personnel at the Maryland School for the Blind shall be paid an annual salary that is at least equal to the salary received by public school teachers and professional personnel of similar training and experience in [the county in which the school is located] **BALTIMORE COUNTY**.

[8-310.] 8-309.

(a) (1) Each county board shall pay the Maryland School for the Blind an amount equal to the local share of the basic cost, as defined in § 8–415(d)(1) of this title, for each blind child who is sent to the school from the county each year to support the cost of instructional programming.

(2) Each county governing body shall include a child sent to the Maryland School for the Blind under paragraph (1) of this subsection in the full-time equivalent enrollment used for calculating the required local funds appropriated under § 5–202(d) of this article.

(b) The Board of Directors of the Maryland School for the Blind shall give each county board on April 1 and October 1 of each year a statement that contains:

- (1) The number of blind children who are attending from the county; and
- (2) The name of each blind child from the county and charged to the county.

[8–314.] 8–310.

(a) (1) In this section the following words have the meanings indicated.

(2) “Board” means the Board of Directors of the Maryland School for the Blind.

(3) “Superintendent” means the State Superintendent of Schools.

(b) The Maryland School for the Blind, a body corporate of the State the charter of which was established on May 19, 1853, shall be governed by the Board.

(c) (1) The Board consists of 25 members.

(2) Of the 25 members of the Board:

(i) Subject to confirmation by the Senate of Maryland, five members, including one member of the Senate of Maryland and one member of the Maryland House of Delegates, shall be appointed jointly by the Governor and the Superintendent, with recommendations from the Chairman of the Board; and

(ii) 20 members shall be elected according to the charter and bylaws of the Maryland School for the Blind.

(3) (i) The term of a member is 3 years.

(ii) No member of the Board appointed after June 1, 1999, except the Chairman, may be reappointed for more than 2 additional terms.

(iii) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed.

(iv) Any vacancy shall be filled in the same manner in which the vacating member was appointed.

[8-315.] 8-311.

(a) The Maryland School for the Blind shall establish and operate a program of enhanced services for blind students who have other severe disabilities.

(b) The Maryland School for the Blind shall include a description of the program in the written agreement with the Department of Education required under § **[8-316] 8-312** of this subtitle.

(c) The costs of providing enhanced services to a child under the program shall be shared by the State and by the county in which the child is domiciled as provided in subsection (d) of this section.

(d) (1) (i) Subject to **[subparagraphs (ii) and (iii)] SUBPARAGRAPH (II)** of this paragraph, the Department, in consultation with the Maryland School for the Blind, shall determine on an individual basis those students who are eligible for the enhanced program described in this section.

(ii) Students served in the enhanced program shall be students who are at risk of requiring nonpublic placement in an out-of-state special education facility, including students who are blind/deaf or students with other severe and multiple disabilities.

[(iii) For fiscal year 1999, the number of students enrolled in the enhanced program shall not exceed 20 Maryland students.]

(2) (i) The county in which a child placed in the enhanced program is domiciled shall pay the local share of the “basic cost”, as defined in § 8-415(d)(1) of this title, of the education for that child.

(ii) A county which pays the local share of the “basic cost” as provided in subparagraph (i) of this paragraph shall not pay the tuition required in § **[8-310] 8-309** of this subtitle.

(3) **[(i) Subject to subparagraph (ii) of this paragraph, the] THE** State shall pay the cost of serving a student in the enhanced program based on an individual cost sheet completed by the Department for each student enrolled in the program.

[(ii) For fiscal year 1999, the State’s share of the total cost of the enhanced program shall not exceed \$750,000.]

(E) IN ADDITION TO THE FUNDING PROVIDED FOR ENHANCED SERVICES UNDER THIS SECTION, THE GOVERNOR SHALL ANNUALLY INCLUDE AT LEAST \$1,000,000 IN THE STATE BUDGET FOR THE COST OF PROVIDING RESIDENTIAL SERVICES.

[8-316.] 8-312.

(a) The Department of Education and the Maryland School for the Blind shall enter into a written agreement.

(b) The agreement shall provide for monitoring and review by the Department of the Maryland School for the Blind, including:

(1) Review by the Department of the annual budget approved by the Board of the Maryland School for the Blind;

(2) Monitoring by the Department of the Maryland School for the Blind's program of enhanced services for blind students who have severe disabilities, including the criteria approved by the Board of the Maryland School for the Blind for the admission of students to the program;

(3) Consultation between the Department and the Maryland School for the Blind on issues of blind education;

(4) Assistance from the Department in developing agreements between the Maryland School for the Blind and local school systems and other State and local agencies for provision of services to blind children; and

(5) Monitoring by and assistance from the Department regarding other aspects of the Maryland School for the Blind's educational program and services to blind children as required by federal or State law.

(c) (1) The Maryland School for the Blind may enter into written agreements with State and local agencies, including local school systems, for the purpose of providing services to blind children.

(2) This subsection in no way abrogates the obligation of the local school systems to provide alternative programs for blind students.

[8-317.] 8-313.

(a) (1) In this section the following words have the meanings indicated.

(2) "4-year average annual full-time equivalent enrollment" means:

(i) The average number of students enrolled annually in grades prekindergarten through grade 12 at the Maryland School for the Blind during 4 consecutive school years as determined by dividing the aggregate monthly enrollment during the 4-year period by the number of months school is in session during the 4-year period; [and]

(ii) One-half the average number of children served annually by the Maryland School for the Blind's Early Intervention Program during 4 consecutive school years as determined by dividing the Program's aggregate monthly enrollment during the 4-year period by the number of months school is in session during the 4-year period; AND

(III) ONE-HALF THE AVERAGE NUMBER OF CHILDREN SERVED ANNUALLY BY THE MARYLAND SCHOOL FOR THE BLIND'S OUTREACH PROGRAM DURING 4 CONSECUTIVE FISCAL YEARS AS DETERMINED BY DIVIDING THE PROGRAM'S AGGREGATE MONTHLY ENROLLMENT DURING THE 4-YEAR PERIOD BY THE NUMBER OF MONTHS THE PROGRAM OPERATES DURING THE 4-YEAR PERIOD.

(3) "Growth in the **TARGET** per pupil [basic current expense figure] **FOUNDATION AMOUNT**" means the change in the per pupil [basic current expense figure] **AMOUNT** from the prior fiscal year to the current fiscal year divided by the per pupil [basic current expense figure] **AMOUNT** from the prior fiscal year.

(4) ["Per pupil basic current expense figure"] "**TARGET PER PUPIL FOUNDATION AMOUNT**" means the figure calculated for each fiscal year by the Department in accordance with § 5-202 of this article.

(5) [Except as provided in subsection (c) of this section, "prior"] "**PRIOR** year appropriation" means the State appropriation to the Maryland School for the Blind in the prior fiscal year less any funding provided under § [8-315] **8-311(D)** of this subtitle in the prior fiscal year.

(6) "Weighted enrollment growth" means the product of 0.2 times the change in the 4-year average annual full-time equivalent enrollment from the 3rd through the 6th prior school years to the 2nd through the 5th prior school years divided by the 4-year average annual full-time equivalent enrollment from the 3rd through the 6th prior school years.

(b) (1) Except as provided in paragraph (2) of this subsection and subsection (c) of this section, the Maryland School for the Blind shall receive an appropriation equal to or greater than the sum of:

(i) 75% of the prior year appropriation multiplied by the product of:

1. The sum of the weighted enrollment growth plus one; and

2. The sum of the growth in the **TARGET** per pupil [basic current expense figure] **FOUNDATION AMOUNT** plus one; and

(ii) 25% of the prior year appropriation multiplied by the sum of the weighted enrollment growth plus one.

(2) The minimum appropriation required under paragraph (1) of this subsection may be reduced to the extent reductions are made to the administrative expenses of the Maryland School for the Blind.

[(c) The “prior year appropriation” used to calculate the fiscal year 2000 appropriation to the Maryland School for the Blind shall be \$11,585,436.]

[8–318.] 8–314.

For information purposes, the budget submitted by the Governor to the General Assembly shall include a detailed account of the operating and administrative budget for the Maryland School for the Blind **IN ACCORDANCE WITH § 5–101 OF THIS ARTICLE**, which shall include a complete list of revenue sources and expenditures for:

- (1) Salaries, wages, and fringe benefits;
- (2) Technical and special fees;
- (3) Communications;
- (4) Travel;
- (5) Contractual services;
- (6) Supplies and materials;
- (7) Equipment;
- (8) Fixed charges; and
- (9) Other expenses.

[8–319.] 8–315.

(a) Notwithstanding § 4–114 of this article and subject to regulations adopted by the Board of Public Works, for fiscal years 2013 through 2028, the Maryland School for the Blind shall be eligible for funding under the Public School Construction Program in accordance with Title 5, Subtitle 3 of this article.

(b) The Board of Public Works shall adopt regulations for funding school construction and school capital improvements at the Maryland School for the Blind in accordance with the requirements set forth in Title 5, Subtitle 3 of this article that apply to school construction and school capital improvement projects funded for county boards of education.

[8-311.] 8-316.

(a) Any person who has a [deaf or] blind child under [his] **THE PERSON'S** control and who violates any provision of § 8-302 of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$5 for each offense.

(b) Any person who induces or attempts to induce a [deaf or] blind child to **BE** absent [himself] unlawfully from school, or who employs or harbors a [deaf or] blind child who is absent unlawfully from school, while the school is in session, is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50 for each offense.

(c) (1) Before a State's Attorney enforces this section, the State's Attorney shall have the child examined by two physicians to determine whether the child is unable to progress satisfactorily on account of the child's [hearing or] sight impairment or from some other cause.

(2) One of the physicians shall be an appropriate specialist.

(3) If the examination by the physicians indicates that the failure to progress satisfactorily in school is due to a [hearing or] sight impairment, the State's Attorney shall enforce the provisions of this section.

(4) These medical examinations shall be paid for by the county in which the child who is examined resides.

SUBTITLE 3A. EDUCATION OF DEAF CHILDREN.

8-3A-01.

IN THIS SUBTITLE, "DEAF CHILD" MEANS A CHILD AT LEAST 6 YEARS OLD AND UNDER THE AGE OF 19 YEARS WHO HAS A HEARING IMPAIRMENT, AND BECAUSE OF THAT IMPAIRMENT CANNOT PROGRESS SATISFACTORILY IN AN ORDINARY PUBLIC OR PRIVATE SCHOOL.

8-3A-02.

(A) THIS SECTION DOES NOT APPLY TO A CHILD WHOSE PHYSICAL CONDITION MAKES THE CHILD'S INSTRUCTION UNDER THIS SECTION INEXPEDIENT OR IMPRACTICABLE.

(B) EACH DEAF CHILD SHALL ATTEND A SCHOOL OR CLASSES FOR THE DEAF DURING THE SCHOOL YEAR UNLESS THE CHILD OTHERWISE IS RECEIVING REGULAR, THOROUGH INSTRUCTION DURING THE SCHOOL YEAR IN STUDIES USUALLY TAUGHT IN THE PUBLIC SCHOOLS TO CHILDREN OF THE SAME AGE.

(C) A SUPERINTENDENT OR PRINCIPAL OF A SCHOOL FOR THE DEAF OR AN INDIVIDUAL AUTHORIZED BY A SUPERINTENDENT OR PRINCIPAL MAY EXCUSE A DEAF CHILD FOR A NECESSARY ABSENCE.

(D) EACH PERSON WHO HAS A DEAF CHILD UNDER THE PERSON'S CONTROL SHALL SEE THAT THE CHILD ATTENDS SCHOOL OR RECEIVES INSTRUCTION AS REQUIRED BY THIS SECTION.

8-3A-03.

THE DEPARTMENT, EACH COUNTY BOARD, AND THE MARYLAND SCHOOL FOR THE DEAF SHALL WORK TOGETHER TO MEET THE EDUCATIONAL NEEDS OF DEAF CHILDREN.

8-3A-04.

(A) THERE IS A MARYLAND SCHOOL FOR THE DEAF.

(B) THE GOVERNANCE OF THE MARYLAND SCHOOL FOR THE DEAF IS VESTED IN THE BOARD OF TRUSTEES OF THE MARYLAND SCHOOL FOR THE DEAF.

(C) (1) THE BOARD OF TRUSTEES SHALL CONSIST OF 19 MEMBERS APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE.

(2) OF THE 19 MEMBERS, AT LEAST 6 MEMBERS SHALL BE DEAF.

(3) EACH MEMBER OF THE BOARD SHALL:

(I) BE A RESIDENT OF THE STATE;

(II) BE A MEMBER OF THE GENERAL PUBLIC; AND

(III) HAVE DEMONSTRATED AN ACTIVE INTEREST IN THE EDUCATION OF DEAF CHILDREN.

(4) EACH GEOGRAPHIC REGION OF THE STATE SHALL BE REPRESENTED BY AT LEAST ONE MEMBER OF THE BOARD.

(D) (1) THE TERM OF A MEMBER IS 6 YEARS.

(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR THE MEMBERS OF THE BOARD ON OCTOBER 1, 1992.

(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS.

(E) THE BOARD MAY:

(1) APPLY FOR, ACCEPT, AND SPEND ANY GIFT OR GRANT FROM THE FEDERAL GOVERNMENT, ANY FOUNDATION, OR ANY OTHER PERSON; AND

(2) MAINTAIN, MANAGE, AND INVEST ANY GIFTS OR GRANTS THAT IT ACCEPTS.

(F) THE BOARD SHALL ESTABLISH AN ANNUAL OPERATING BUDGET.

(G) (1) THERE IS A BRANCH OF THE MARYLAND SCHOOL FOR THE DEAF.

(2) THIS BRANCH SHALL BE LOCATED NEAR THE POPULATION CENTER OF THE STATE.

(3) THE BRANCH SHALL BE ADMINISTERED AND OPERATED AS PART OF AND IS SUBJECT TO THE MARYLAND SCHOOL FOR THE DEAF.

(H) (1) THE MARYLAND SCHOOL FOR THE DEAF SHALL ADOPT WRITTEN STANDARDS FOR THE ADMISSION OF STUDENTS.

(2) THE STANDARDS SHALL DEFINE AND DISTINGUISH BETWEEN STUDENTS WHO ARE BONA FIDE MARYLAND RESIDENTS AND THOSE WHO ARE OUT-OF-STATE STUDENTS, FOR PURPOSES OF ADMISSION AND TUITION.

(I) THE MARYLAND SCHOOL FOR THE DEAF SHALL ADMIT STUDENTS FREE OF CHARGE WHO:

(1) ARE BONA FIDE MARYLAND RESIDENTS; AND

(2) MEET THE ADMISSION STANDARDS OF THE MARYLAND SCHOOL FOR THE DEAF.

(J) (1) THE MARYLAND SCHOOL FOR THE DEAF MAY ADMIT OUT-OF-STATE STUDENTS FOR TUITION WHO MEET THE ADMISSION STANDARDS OF THE MARYLAND SCHOOL FOR THE DEAF.

(2) THE MARYLAND SCHOOL FOR THE DEAF SHALL ESTABLISH TUITION RATES ON AN ANNUAL BASIS.

8-3A-05.

EACH LOCAL EDUCATION AGENCY IN THE STATE SHALL NOTIFY THE PARENTS OR GUARDIANS OF EACH HEARING-IMPAIRED CHILD OF THE AVAILABILITY OF THE EDUCATIONAL PROGRAMS OFFERED BY THE MARYLAND SCHOOL FOR THE DEAF.

8-3A-06.

UNDER § 2-206 OF THIS ARTICLE, THE MARYLAND SCHOOL FOR THE DEAF SHALL KEEP THE STATE BOARD FULLY INFORMED AS TO THE EDUCATIONAL PROGRAM AND ADMINISTRATIVE POLICIES OF THE SCHOOLS UNDER THEIR JURISDICTION.

8-3A-07.

(A) THE MARYLAND SCHOOL FOR THE DEAF SHALL ESTABLISH AND OPERATE A PROGRAM OF ENHANCED SERVICES FOR DEAF STUDENTS WHO HAVE OTHER MODERATE TO SEVERE DISABILITIES.

(B) THE MARYLAND SCHOOL FOR THE DEAF SHALL INCLUDE A DESCRIPTION OF THE PROGRAM IN THE WRITTEN AGREEMENT WITH THE DEPARTMENT REQUIRED UNDER § 8-3A-08 OF THIS SUBTITLE.

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

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

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

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

8-3A-08.

(A) THE DEPARTMENT AND THE MARYLAND SCHOOL FOR THE DEAF SHALL ENTER INTO A WRITTEN AGREEMENT.

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

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

(2) MONITORING OF THE MARYLAND SCHOOL FOR THE DEAF’S PROGRAM OF ENHANCED SERVICES FOR DEAF STUDENTS BY THE DEPARTMENT WHO HAVE OTHER MODERATE TO SEVERE DISABILITIES, INCLUDING THE CRITERIA APPROVED BY THE BOARD OF THE MARYLAND SCHOOL FOR THE DEAF FOR THE ADMISSION OF STUDENTS TO THE PROGRAM;

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

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

(5) MONITORING BY AND ASSISTANCE FROM THE DEPARTMENT REGARDING OTHER ASPECTS OF THE MARYLAND SCHOOL FOR THE DEAF’S EDUCATIONAL PROGRAM AND SERVICES TO DEAF CHILDREN AS REQUIRED BY FEDERAL OR STATE LAW.

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

(2) THIS SUBSECTION IN NO WAY ABROGATES THE OBLIGATION OF THE LOCAL SCHOOL SYSTEMS TO PROVIDE ALTERNATIVE PROGRAMS FOR DEAF AND HEARING-IMPAIRED STUDENTS.

8-3A-09.

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

(2) “4-YEAR AVERAGE ANNUAL FULL-TIME EQUIVALENT ENROLLMENT” MEANS:

(I) THE AVERAGE NUMBER OF STUDENTS ENROLLED ANNUALLY IN GRADES PREKINDERGARTEN THROUGH GRADE 12 AT THE MARYLAND SCHOOL FOR THE DEAF DURING 4 CONSECUTIVE SCHOOL YEARS AS DETERMINED BY DIVIDING THE AGGREGATE MONTHLY ENROLLMENT DURING THE 4-YEAR PERIOD BY THE NUMBER OF MONTHS SCHOOL IS IN SESSION DURING THE 4-YEAR PERIOD; AND

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

(3) “GROWTH IN THE TARGET PER PUPIL FOUNDATION AMOUNT” MEANS THE CHANGE IN THE PER PUPIL AMOUNT FROM THE PRIOR FISCAL YEAR TO THE CURRENT FISCAL YEAR DIVIDED BY THE PER PUPIL AMOUNT FROM THE PRIOR FISCAL YEAR.

(4) “TARGET PER PUPIL FOUNDATION AMOUNT” MEANS THE FIGURE CALCULATED FOR EACH FISCAL YEAR BY THE DEPARTMENT IN ACCORDANCE WITH § 5-202 OF THIS ARTICLE.

(5) “WEIGHTED ENROLLMENT GROWTH” MEANS THE PRODUCT OF 0.2 TIMES THE CHANGE IN THE 4-YEAR AVERAGE ANNUAL FULL-TIME EQUIVALENT ENROLLMENT FROM THE 3RD THROUGH THE 6TH PRIOR SCHOOL YEARS TO THE 2ND THROUGH THE 5TH PRIOR SCHOOL YEARS DIVIDED BY THE 4-YEAR AVERAGE

ANNUAL FULL-TIME EQUIVALENT ENROLLMENT FROM THE 3RD THROUGH THE 6TH PRIOR SCHOOL YEARS.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE MARYLAND SCHOOL FOR THE DEAF SHALL RECEIVE AN APPROPRIATION EQUAL TO OR GREATER THAN THE SUM OF:

(I) 75% OF THE PRIOR YEAR APPROPRIATION MULTIPLIED BY THE PRODUCT OF:

1. THE SUM OF THE WEIGHTED ENROLLMENT GROWTH PLUS 1; AND

2. THE SUM OF THE GROWTH IN THE TARGET PER PUPIL FOUNDATION AMOUNT PLUS 1; AND

(II) 25% OF THE PRIOR YEAR APPROPRIATION MULTIPLIED BY THE SUM OF THE WEIGHTED ENROLLMENT GROWTH PLUS 1.

(2) THE MINIMUM APPROPRIATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE REDUCED TO THE EXTENT REDUCTIONS ARE MADE TO THE ADMINISTRATIVE EXPENSES OF THE MARYLAND SCHOOL FOR THE DEAF.

8-3A-10.

(A) THERE SHALL BE A SINGLE, UNIFORM PAY PLAN FOR TEACHERS AND OTHER PROFESSIONAL PERSONNEL AT THE CAMPUSES OF THE MARYLAND SCHOOL FOR THE DEAF. THE PAY PLAN SHALL BE ESTABLISHED BY THE SECRETARY OF BUDGET AND MANAGEMENT AFTER CONSIDERING RECOMMENDATIONS FROM THE BOARD OF TRUSTEES OF THE MARYLAND SCHOOL FOR THE DEAF. THE SECRETARY SHALL INCLUDE IN THE PAY PLAN CLASSIFICATIONS AND PAY GRADES BASED ON THE DUTIES, RESPONSIBILITIES, EDUCATION, AND TRAINING REQUIRED.

(B) IN DETERMINING ITS RECOMMENDATIONS FOR THE PAY PLAN, THE BOARD OF TRUSTEES, IN CONSULTATION WITH THE FACULTY AND STAFF OF THE MARYLAND SCHOOL FOR THE DEAF, SHALL REVIEW THE SALARIES OF PUBLIC SCHOOL TEACHERS AND OTHER PROFESSIONAL PERSONNEL IN FREDERICK AND HOWARD COUNTIES AND SHALL RECOMMEND TO THE SECRETARY OF BUDGET AND MANAGEMENT SALARIES THAT WILL BE ADEQUATE TO RECRUIT AND RETAIN QUALIFIED TEACHERS AND PROFESSIONAL PERSONNEL AT THE MARYLAND SCHOOL FOR THE DEAF.

(C) THE BOARD OF TRUSTEES SHALL PROVIDE THEIR RECOMMENDATIONS TO THE SECRETARY OF BUDGET AND MANAGEMENT ON OR BEFORE THE JUNE 1 PRIOR TO THE JULY 1 OF THE FIRST FISCAL YEAR IN WHICH THE PAY PLAN WILL TAKE EFFECT.

(D) BEGINNING WITH THE THIRD FISCAL YEAR THE PAY PLAN IS IN EFFECT AND IN EVERY THIRD FISCAL YEAR THEREAFTER, THE SECRETARY OF BUDGET AND MANAGEMENT SHALL ADJUST THE PAY PLAN, IF NECESSARY, TO ENSURE THAT SALARIES IN THE PAY PLAN ARE ADEQUATE TO RECRUIT AND RETAIN QUALIFIED EDUCATORS AND OTHER PROFESSIONAL PERSONNEL.

(E) ON OR BEFORE THE SEPTEMBER 1 PRECEDING THE BEGINNING OF THE FISCAL YEAR FOR WHICH ADJUSTMENTS TO THE PAY PLAN MAY BE MADE UNDER THIS SUBSECTION, THE BOARD OF TRUSTEES OF THE MARYLAND SCHOOL FOR THE DEAF SHALL REVIEW THE SALARIES OF PUBLIC SCHOOL TEACHERS AND OTHER PROFESSIONAL PERSONNEL IN FREDERICK AND HOWARD COUNTIES AND SHALL RECOMMEND ADJUSTMENTS TO THE PAY PLAN TO THE SECRETARY OF BUDGET AND MANAGEMENT.

(F) THE SECRETARY OF BUDGET AND MANAGEMENT SHALL REVIEW THE RECOMMENDATIONS OF THE BOARD OF TRUSTEES PRIOR TO MAKING ADJUSTMENTS TO THE PAY PLAN AUTHORIZED BY THIS ACT.

(G) THE SECRETARY OF BUDGET AND MANAGEMENT SHALL INCORPORATE THESE ADJUSTMENTS INTO THE BUDGET RECOMMENDATIONS FOR THE GOVERNOR'S REVIEW AND APPROVAL FOR INCLUSION IN THE ANNUAL BUDGET REQUEST.

8-3A-11.

(A) ANY PERSON WHO HAS A DEAF CHILD UNDER THE PERSON'S CONTROL AND WHO VIOLATES ANY PROVISION OF § 8-3A-02 OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5 FOR EACH OFFENSE.

(B) ANY PERSON WHO INDUCES OR ATTEMPTS TO INDUCE A DEAF CHILD TO BE ABSENT UNLAWFULLY FROM SCHOOL, OR WHO EMPLOYS OR HARBORS A DEAF CHILD WHO IS ABSENT UNLAWFULLY FROM SCHOOL, WHILE THE SCHOOL IS IN SESSION, IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50 FOR EACH OFFENSE.

(c) (1) BEFORE A STATE'S ATTORNEY ENFORCES THIS SECTION, THE STATE'S ATTORNEY SHALL HAVE THE CHILD EXAMINED BY TWO PHYSICIANS TO DETERMINE WHETHER THE CHILD IS UNABLE TO PROGRESS SATISFACTORILY ON ACCOUNT OF THE CHILD'S HEARING IMPAIRMENT OR FROM SOME OTHER CAUSE.

(2) ONE OF THE PHYSICIANS SHALL BE AN APPROPRIATE SPECIALIST.

(3) IF THE EXAMINATION BY THE PHYSICIANS INDICATES THAT THE FAILURE TO PROGRESS SATISFACTORILY IN SCHOOL IS DUE TO A HEARING IMPAIRMENT, THE STATE'S ATTORNEY SHALL ENFORCE THE PROVISIONS OF THIS SECTION.

(4) THESE MEDICAL EXAMINATIONS SHALL BE PAID FOR BY THE COUNTY IN WHICH THE CHILD WHO IS EXAMINED RESIDES.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 28, 2016.