

West's Annotated Code of Maryland
Education (Refs & Annos)
Division II. Elementary and Secondary Education [Titles 2-9.5] (Refs & Annos)
Title 2. State Department of Education (Refs & Annos)
Subtitle 2. State Board of Education (Refs & Annos)

MD Code, Education, § 2-205

§ 2-205. Powers and duties of Board

Effective: July 1, 2010

[Currentness](#)

In general

(a) In addition to the other powers granted and duties imposed under this article, the State Board has the powers and duties set forth in this section.

Elementary and secondary educational policies of State

(b) The State Board shall:

- (1) Determine the elementary and secondary educational policies of this State; and
- (2) Cause to be carried out those provisions of this article that are within its jurisdiction.

Bylaws, rules, and regulations for administration of public schools

(c)(1) The State Board shall adopt bylaws, rules, and regulations for the administration of the public schools.

(2) These bylaws, rules, and regulations have the force of law when adopted and published.

(3) The bylaws, rules, and regulations apply to each county. However, they do not apply to Baltimore City to the extent that they relate to matters that are the subject of other provisions of this article that do not apply to Baltimore City.

Legal proceedings to enforce article, bylaws, rules, and regulations

(d) The State Board may institute legal proceedings to enforce:

- (1) The provisions of this article that are within its jurisdiction; and

(2) The bylaws, rules, and regulations adopted by the Board.

Intent and meaning of article, bylaws, rules, and regulations

(e)(1) Without charge and with the advice of the Attorney General, the State Board shall explain the true intent and meaning of the provisions of:

(i) This article that are within its jurisdiction; and

(ii) The bylaws, rules, and regulations adopted by the Board.

(2) Except as provided in paragraph (4) of this subsection and in Title 6, Subtitles 4 and 5 of this article, the Board shall decide all controversies and disputes under these provisions.

(3) The decision of the Board is final.

(4)(i) The Public School Labor Relations Board shall decide any controversy or dispute arising under Title 6, Subtitle 4 or Subtitle 5 of this article.

(ii) A decision of the Public School Labor Relations Board is final.

Oaths

(f) As Secretary to the State Board, the State Superintendent may administer oaths to witnesses in any matter before the Board.

General control and supervision over public schools and educational interests of State

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

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

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

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

Basic policy and guidelines for program of instruction

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

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

(i) Public school officials and teachers;

(ii) Private schools; and

(iii) Interested citizens of this State.

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

Investigations by Board

(i)(1) With the advice of the State Superintendent, the State Board shall investigate:

(i) The educational needs of this State; and

(ii) Methods to improve educational conditions.

(2) If necessary, the Board may employ additional expert assistance for these investigations.

Annual State public school budget

(j)(1) The State Board shall send the Governor an annual State public school budget including, subject to the Maryland Constitution and existing laws, the appropriation for:

(i) The Department; and

(ii) State aid to the counties for current expenses, for student transportation and for the construction of school buildings.

(2) The budget shall be certified by the State Superintendent before it is sent to the Governor.

Advice relating to legislation

(k) The State Board shall:

- (1) Consider the educational needs of this State; and
- (2) With the advice of the State Superintendent, recommend to the Governor and the General Assembly any legislation that it considers necessary.

Standards and guides for school building projects

- (l)(1) On the recommendation of the State Superintendent, the State Board shall establish standards and guides for planning and constructing school building projects.
 - (2) These standards and guides shall be used as the basis for reviewing plans and specifications submitted to the State Superintendent for approval.
 - (3) The State Board shall maintain a school construction planning service to:
 - (i) Assist in the development and review of preliminary and final plans and specifications for any public school building project and the educational program that it is designed to house; and
 - (ii) Advise county boards as to the suitability of these construction plans on the basis of educational effectiveness, construction, and reasonable economy of costs.
 - (4) The State Board shall collect, publish, and distribute to the county boards information on school construction procedures, methods, and materials.

Professional employees

- (m)(1) In this subsection, “professional employee” means an employee:
 - (i) For whom a certificate has been issued by the State Superintendent; and
 - (ii) For whom a salary scale has been established by law for the position or who meets or exceeds the qualifications required for an established salary scale.
- (2) From time to time, the State Board shall adopt bylaws, rules, and regulations that establish a minimum ratio of professional employees to students enrolled in the public schools or any combination of grades in these schools.
- (3) The ratio established by the State Board for the total number of professional employees for each county, calculated to the nearest whole position on a pro rata basis, may not be more than:
 - (i) 46 for each 1,000 of the first 5,000 students enrolled as of September 30 of each year; and

(ii) 45 for each additional 1,000 students.

(4) A county may employ more professional employees than the number permitted in this subsection as it considers necessary.

(5) At least 95 percent of the permitted number of professional employees shall be assigned to public schools.

Reporting requirements for private educational associations, corporations, and institutions

(n) With the advice of the State Superintendent, the State Board shall require each private educational association, corporation, and institution to report annually, on or before August 31, its enrollment and courses of study on the forms that the Board provides.

Recorded information kept by county boards, school officials, and teachers

(o)(1) With the advice of the State Superintendent, the State Board shall specify the information each county board, school official, and teacher is to record and shall require the following information to be recorded:

(i) All financial accounts, including the annual budget; and

(ii) All educational records.

(2) The reports containing this information shall be made on the form that the State Board, with the advice of the State Superintendent, requires.

(3) If the State Superintendent agrees, the required information may be sent in automatic data processing, machine-usable form.

Annual reports submitted to Governor

(p)(1) The State Board shall submit an annual report to the Governor on:

(i) All operations of the Department;

(ii) The support, conditions, progress, and needs of elementary and secondary education in this State; and

(iii) The overall plan for elementary and secondary education in this State.

(2) This annual report shall be printed in sufficient quantities for general distribution in this State.

Growth and development of elementary and secondary education in State

(q)(1) The State Board shall coordinate the overall growth and development of elementary and secondary education in this State.

(2) In consultation with the State Superintendent, the State Board shall develop and periodically update an overall plan consistent with the bylaws that shall identify:

(i) The present and future needs of elementary and secondary education throughout the State, including a discussion of the demographic composition of the elementary and secondary population;

(ii) The present and future capabilities of the public elementary and secondary education system in this State;

(iii) The short-range and long-range objectives and priorities for elementary and secondary education and methods and timelines for achieving and maintaining them;

(iv) Whether current programs adequately prepare graduates for employment opportunities in this State, or postsecondary education opportunities;

(v) The status and needs of the career and technology education program, the vocational rehabilitation program, and the library system of these programs;

(vi) The technological advancements that would enhance elementary and secondary education throughout the State;

(vii) Methods to upgrade and improve teacher education and teacher certification programs;

(viii) The school systems that have dropped below the statewide test averages and shall assess the options available to improve the test averages of these school systems;

(ix) The methods to improve the diagnosis of basic reading skill deficiencies of elementary and secondary school students and to improve the literacy rates of these students;

(x) The methods to increase the rate of retention and graduation of secondary school students;

(xi) The short-range and long-range objectives for the resolution of the problem of substance abuse by elementary and secondary school students; and

(xii) The short-range and long-range objectives for the resolution of the problems of youth and teenage pregnancy.

Credits

Added by Acts 1978, c. 22, § 2, eff. July 1, 1978. Amended by Acts 1978, c. 967; Acts 1981, c. 236, § 2; Acts 1981, c. 507; Acts 1988, c. 764; Acts 1989, c. 95; Acts 1990, c. 6, § 11; Acts 1991, c. 662, §§ 1, 2; Acts 1996, c. 77, § 1, eff. Oct. 1, 1996; Acts 1997, c. 105, § 1, eff. June 1, 1997; Acts 1998, c. 21, § 1, eff. April 14, 1998; Acts 2006, c. 59, § 1, eff. June 1, 2006; Acts 2008, c. 36, § 1, eff. April 8, 2008; Acts 2010, c. 324, § 1, eff. July 1, 2010; Acts 2010, c. 325, § 1, eff. July 1, 2010.

Formerly Art. 77, §§ 6 to 10, 14 to 17, 19 to 21, 68.

MD Code, Education, § 2-205, MD EDUC § 2-205

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