



# Maryland State Board of Education

200 W. BALTIMORE STREET / BALTIMORE, MARYLAND 21201-2595 / (410) 767-0467

## **ANNOUNCEMENT**

### **MAINTENANCE OF EFFORT WAIVER REQUESTS**

#### ***STATE BOARD SETS SCHEDULE FOR HEARING AND PUBLIC COMMENTS***

**BALTIMORE, MD** – Six counties have made formal requests for waivers from the State's Maintenance of Effort (MOE) requirements: Anne Arundel, Kent, Montgomery, Queen Anne's, Talbot, and Wicomico Counties.

Under the requirements of Maryland Education Article §5-202, Annotated Code of Maryland, county governments must prove that the county's fiscal condition "significantly impedes" the county's ability to fund MOE.

The State Board will accept briefs from these six counties, position papers from local boards, and written comments from the public including teacher associations, parent-teacher organizations and other persons residing in the county requesting the MOE waiver.

The following briefing schedule will govern the waiver request process:

**Date for Filing MOE Brief:** *May 2, 2011 by 5:00 p.m. (Eastern Daylight Time) Late filings will be rejected.*

#### **Minimum Content of Maintenance of Effort Waiver Brief (20 copies must be filed)**

- (1) A narrative of no more than 25 pages explaining all the evidence presented, why it demonstrates that the county's fiscal condition "significantly impedes" the county's ability to fund MOE and why it is unique from the general economic crisis that affects all counties in the State.
- (2) The amount the county proposes to appropriate to its school operating budget and the amount the county is required to appropriate to meet the maintenance of effort requirement;

**(more)**

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(3) Information detailing the county's projected fiscal condition for FY 2012 as compared to the current FY 2011;

(4) If applicable, information regarding statutory or other limitations impacting the county's ability to raise revenues and documentation of efforts taken by the county to overcome these impediments to raise the revenues necessary to meet maintenance of effort requirements;

(5) A copy of the county's most recent audited financial statement;

(6) The county's projected expenditure plan for FY 2012, as well as the current fiscal year expenditure plan;

(7) A description and explanation of the unique external environmental factors such as loss of a major business or industry or unique economic strains and how they impact the FY 2012 county budget;

(8) A description and explanation of the effect of the recession on all county tax bases and other revenue generating streams of income in FY 2011 and projected for FY 2012;

(9) The amounts in each of the county's reserve funds, rainy day funds, or any other savings-type fund and the reasons why such funds are not available to meet MOE requirements including specifically any legal prohibitions on accessing those funds;

(10) Additional information in support of the waiver request as the county considers necessary including the amount the county has overfunded MOE in the past; the local board of education position on the waiver request; loss of a significant revenue source; loss of industry; unique, severe, and unanticipated expenditures that impacted the county's budget; and any reduction in bond rating or other indicators of severe financial distress;

(11) A description and explanation of all public meetings on the MOE waiver request and any community support for the waiver;

**(more)**

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(12) The State Board may request additional information from the county as it considers necessary.

<b>Date of Filing Local Board Position Paper on Waiver Request (15 page maximum)</b>	<b><i>May 9, 2011 by 5:00 p.m. (late filings will be rejected; 20 copies must be filed)</i></b>
<b>Date of Filing Response/Comment by Public and other organizations to the MOE Waiver Request (3 page maximum)</b>	<b><i>May 9, 2011 by 5:00 p.m. (late filings will be rejected; 20 copies must be filed)</i></b>
<b>Date by which County may File a Reply to all Responses and Comments (20 page maximum)</b>	<b><i>May 11, 2011 by 5:00 p.m. (late filings will be rejected; 20 copies must be filed)</i></b>
<b>Date of Public Hearing</b>	<b><i>May 24, 2011 at 9:00 a.m. (All waiver requests will be heard on this date)</i></b>

**How to File Briefs and Responses:**

Mail or hand-deliver to Maryland State Board of Education for receipt **no later than the date set forth above** at 5:00 p.m. to:

Anthony South, Executive Director  
Maryland State Board of Education  
200 West Baltimore Street  
Baltimore, MD 21201

Please review COMAR 13A.02.05.04 for the regulatory requirements of the Waiver Request process.

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04/14/11