

House of Delegates

NO. 482

THE SPEAKER, ALLEGANY AND GARRETT COUNTY
DELEGATION—Education

By the HOUSE OF DELEGATES, February 24, 1961.

Introduced, read first time and referred to the Committee on Education.

By order, JAMES P. MAUSE, Chief Clerk.

A BILL

ENTITLED

AN ACT to add new Section 249A to Article 77 of the Annotated Code of Maryland (1957 Edition), title "Public Education", subtitle "University of Maryland", to follow immediately after Section 249 thereof; to repeal and re-enact, with amendments, Sections 28, 164, 215 (b), 244 and 268 of said Article of the Code, sub-titles "State Board of Education", "State Teacher's Colleges", "Source and Distribution of Income", "Miscellaneous" and "Free Scholarships", respectively; and to repeal Section 278 of said Article of the Code, sub-title "Free Scholarships", providing that the State Teachers College at Frostburg be transferred to and constitute a part of the University of Maryland under the control and jurisdiction of the Board of Regents of the University of Maryland; removing from the State Department of Education and State Superintendent of Schools all control, duties and responsibilities concerning said transferred institution, and generally amending certain laws which mention or concern the State Teachers College at Frostburg and the University of Maryland in order to remove, correct or amend references thereto for the purposes of such transfer, providing generally for the procedure and conditions applicable to such transfer and to the students and personnel of the said institutions.

1 WHEREAS, reliable statistics demonstrate that a lower percentage
2 of high school graduates from the Western Maryland area enter
3 institutions of higher learning, than in any other sections of the
4 State; and

5 WHEREAS, business, labor, industrial, civic and cultural groups
6 representing all segments of community life in the Western Mary-
7 land area have become articulate and dedicated in their pleas con-
8 cerning the urgent need for the establishment in Western Mary-
9 land of a liberal arts and science institution of higher learning, the
10 same being vital to the future educational and economic develop-
11 ment of the area; and

EXPLANATION: *Italics indicate new matter added to existing law.*
[Brackets] indicate matter stricken from existing law.

12 WHEREAS, it is felt that the establishment of a center of the Uni-
13 versity of Maryland at Frostburg, Maryland will meet this need for
14 greater educational opportunities for present and future genera-
15 tion of high school graduates, who may seek academic degrees not
16 only in the teaching profession but in other fields of science, arts
17 and letters; and

18 WHEREAS, concomitant with the need for facilities for higher
19 learning in Western Maryland, there is a corresponding necessity
20 to expand existing facilities of the University of Maryland at College
21 Park, Maryland, and elsewhere, to meet the demand occasioned by
22 a rapid and continued increase in student population; and

23 WHEREAS, it is felt that the establishment of a center of the
24 University of Maryland at Frostburg will accomplish the two-fold
25 purpose of easing the strain on existing facilities at the University
26 of Maryland at College Park, Maryland, while at the same time pro-
27 viding a salutary opportunity for high school graduates in Western
28 Maryland, to obtain a college education, not only in the teaching
29 profession, but in the broad field of science, arts and letters at an
30 institution in or near their own locale; and

31 WHEREAS, the existing facilities of the State Teachers College at
32 Frostburg are suitable for conversion into a center of the University
33 of Maryland to meet the above needs; now therefore

1 SECTION 1. *Be it enacted by the General Assembly of Maryland,*
2 *That a new Section 249A be and it is hereby added to Article 77 of*
3 *the Annotated Code of Maryland (1957 Edition), title "Public*
4 *Education", sub-title "Chapter 26. University of Maryland", said*
5 *new Section to follow immediately after Section 249 thereof, and to*
6 *read as follows:*

1 249A.

2 *The State Teachers College at Frostburg is hereby transferred to*
3 *and constituted a part of the University of Maryland. Said trans-*
4 *ferred institution shall hereinafter be known as the "University of*
5 *Maryland, Frostburg", and shall be under the control and juris-*
6 *diction of the Board of Regents of the University of Maryland.*
7 *Said Board shall exercise, with reference to the University of*
8 *Maryland, Frostburg, and with reference to every Department there-*
9 *of, all the same rights, powers and privileges and be charged with*
10 *all the same duties and obligations, as now, or hereafter may, by*
11 *law including the provisions of this subtitle, pertain to the said*
12 *Board or to the University of Maryland. Provided, that said Board*
12a *shall maintain, among others, courses of study at the Univer-*
13 *sity of Maryland, Frostburg, in teacher education, designed for*
14 *the preparation of teachers for the elementary and secondary schools;*
15 *and provided further that students, residents of Maryland, now*
16 *enrolled, or who hereafter may enroll, in teacher education at the*
17 *said University of Maryland, Frostburg, and who shall obligate*
18 *themselves to teach in Maryland for a period of not less than two*
19 *years, shall not be required to pay any tuition fees, or charges for*
20 *room and board in excess of those charged by State Teachers*
21 *Colleges in this State; and provided further that all qualified stu-*
22 *dents, residents of Maryland, may apply for admission to the Uni-*
23 *versity of Maryland, Frostburg, without regard to their home lo-*
24 *cation in this State.*

25 *All the property and assets of the institution hereby transferred*
26 *to the University of Maryland, real, personal or mixed, whether in*
27 *possession or expectancy, including any and all credits in the State*
28 *Budget, or in any Supplemental Appropriation Bill, due to or on ac-*
29 *count of the State Teachers College at Frostburg, and all the debts*
30 *and liabilities thereof, are transferred to, devolved upon and vested*
31 *in the Board of Regents of the University of Maryland. All em-*
32 *ployees of the institution hereby transferred now included within*

33 *the classified service of the State shall remain in and continue to be*
34 *a part of the classified service, and the University shall not desig-*
35 *nate them, or any of them, as anything other than part of the*
36 *classified service.*

1 SEC. 2. *And be it further enacted, That Sections 28, 164, 215 (b),*
2 *244 and 268 of said Article of the Code, sub-titles "State Board of*
3 *Education", "State Teacher's Colleges", "Sources and Distribution*
4 *of Income", "Miscellaneous" and "Free Scholarships", respectively,*
5 *be and they are hereby repealed and re-enacted, with amendments;*
6 *and that Section 278 of said Article of the Code, sub-title "Free*
7 *Scholarships", be and it is hereby repealed, all to read as follows:*

1 28.

2 The members of the State Board of Education and the State
3 Superintendent of Schools shall be the trustees of the State normal
4 schools, and shall have power to maintain and shall exercise gen-
5 eral control over these schools. [Whenever land, interests in land,
6 easements in, to or over land, and mineral rights in, to or under
7 land, or any or all of the foregoing, shall be required, in the
8 opinion of the State Board of Education, for or in connection with
9 the site of the State Teachers College at Frostburg, or for en-
10 larging the site or grounds of said State Teachers College or for
11 purposes in connection with the construction or enlarging of said
12 State Teachers College, or for its preservation, or for any other pur-
13 pose in connection with said State Teachers College, its site or grounds,
14 and the said Board, for any cause, shall be unable to contract with
15 the owner or owners thereof upon what they deem to be a fair
16 valuation therefor, the State Board of Education, in any case
17 wherein it has the power to acquire by purchase may institute and
18 prosecute condemnation proceedings for the acquisition of such land,
19 interest in land, easements in, to or over land, and mineral rights in,
20 to or under land, or any or all of the foregoing, in accordance with
21 Article 33A of the Annotated Code of Maryland.]

1 164.

2 The State Board of Education and the State Superintendent of
3 Schools shall be the board of trustees of each of the normal schools
4 maintained and supported by the State: The State Normal School
5 at Towson [the State Normal School at Frostburg] and the State
6 Normal School at Bowie.

7 215 (b)

1 The Comptroller shall charge against and pay as hereinbefore or
2 hereinafter provided from the general State school fund, the
3 annual appropriation made by the General Assembly for the support
4 of the State Department of Education, including the expenses of the
5 State Board of Education, and the support and expenses of the
6 office of the State Superintendent of Schools; the annual appropria-
7 tion for the maintenance and support of the State Teachers College
8 at Towson, [of the State Teachers College at Frostburg] of the
9 State Teachers College at Salisbury, of the State Teachers College
10 at Bowie and of Coppin State Teachers College in Baltimore City; the
11 annual appropriation for the Maryland Teachers Retirement System;
12 the annual appropriation for part payment by the State of the salaries
13 of county superintendents and of the superintendent of schools of
14 Baltimore City, and of the supervising teachers or helping teachers
15 in each of the several counties and the City of Baltimore; the an-
16 nual appropriation for payment by the State of two-thirds (2/3)
17 of the salary of one supervisor or pupil personnel in each county
18 and Baltimore City; and of one or more visiting teachers in the
19 larger counties and Baltimore City; the annual appropriation for
20 the education of handicapped children, the annual appropriation
21 for administration and supervisions of vocational education in public
22 high and vocational schools, for physical education and recreation,

23 for medical examination of teachers and school bus drivers, for
24 case and guidance service for handicapped individuals needing
25 vocational rehabilitation, for equivalence examinations, for public
26 libraries, and for adult education; the annual appropriation per
27 classroom unit as required in this article; the annual appropriation
28 per pupil enrolled as required in this article; such special appropri-
29 ations to be known as an incentive fund for the purpose of granting
30 State aid to the counties and to the City of Baltimore to finance the
31 construction of school buildings and school facilities, as may from
32 time to time be made by budget bill or supplementary appropriation
33 bill, to the boards of education of each county and to the mayor
34 and city council of Baltimore; and such special appropriations to be
35 known as an equalization, fund, as may from time to time, be made
36 by budget bill or supplementary appropriation bill, to the county
37 boards of education of certain counties and to the mayor and city
38 council of the City of Baltimore, to enable them to pay the minimum
39 salaries prescribed in this article for high school and elementary
40 school teachers and the necessary costs of transporting pupils to
41 public schools when such transportation is approved by the State
42 Superintendent of Schools.

1 244.

2 Wherever the word "superintendent of public education" occur in
3 this sub-title, they shall be construed to mean State Superintendent
4 of Schools; wherever the words "board of county school commis-
5 sioners" occur, they shall be construed to mean "county board of
6 education"; wherever the word "board of district school trustees"
7 occur, they shall be construed to mean "district board of school
8 trustees"; wherever the words "handicapped children" occur, they
9 shall be construed to mean "all children between the ages of six
10 and eighteen years, inclusive, who, because of mental or physical
11 handicap, are incapable of receiving proper benefit from ordinary
12 public school instruction and who, for their own or the social wel-
13 fare, need special public school instruction or training"; wherever
14 the words the State Normal School at Towson [, the State Normal
15 School at Frostburg,] and the State Normal School at Bowie occur
16 in this article, they shall be construed to mean the State Normal
17 School at Towson, [the State Normal School at Frostburg,] the
18 State Normal School at Salisbury, and the State Normal School at
19 Bowie; wherever the words "State Normal School" occur in this
20 article to designate a school which maintains a four-year course of
21 study, they shall be construed to mean "State Teachers College"; and
22 wherever the term "principal" occurs in this article to designate
23 the head of a normal school which maintains a four-year course of
24 study, it shall be construed to mean "president of a State Teachers
25 College."

1 268.

2 The Univeristy of Maryland shall educate in its undergraduate
3 departments at College Park or *Frostburg*, free of charge for tuition,
4 three student from each legislative district in Baltimore City and
5 three from each county of the State; and these student shall be
6 appointed by the State Senators of the respective legislative dis-
7 tricts and counties. Undergraduate students in the School of
8 Phamacy, the School of Nursing and in the physical therapy major
9 in the School of Medicine, all in the Baltimore schools of the Uni-
10 versity, shall be considered as being in undergraduate departments
11 at College Park for the purposes of this section and shall be eligible
12 for scholarships on the same basis as students at College Park. The
13 University of Maryland, further, shall educate, free of charge for
14 tuition, at its College for Negroes at Princess Anne, one student from
15 each legislative district of Baltimore City and one from each county
16 of the State: and these students shall likewise be appointed by the

17 State Senators of the respective legislative districts and counties.
18 The University of Maryland shall, further educate in its under-
19 graduate departments at College Park or Frostburg, free of charge
20 for tuition, from each of the legislative districts of Baltimore City
21 and from each of the counties a number of students equal to the num-
22 ber of representatives of the respective legislative districts and
23 counties in the House of Delegates; and these students shall be ap-
24 pointed one each by each member of the House of Delegates. Ap-
25 pointment by Senators and Delegates shall be made on any basis the
26 Senators and Delegates may elect, provided that each student so
27 appointed shall first show financial need and shall satisfy the en-
28 trance requirements of the University. By agreement among the
29 members of the General Assembly, the right to appoint students
30 under the provisions of this section may be transferred from one
31 member to another, and such appointments shall be effective in all
32 respects as if made by the member originally entitled thereto. Each
33 student appointed under this section shall first shown financial need,
34 shall satisfy the entrance requirements of the University, and shall
35 maintain, while in the University, the education and deportment
36 standards of the University. Nothing in this section shall be con-
37 strued to affect tuition scholarships already established, or which
38 may be established, to attract outstanding students, without regard
39 to geographical restrictions, except that any scholarships established
40 to promote cultural relations with Central and South America coun-
41 tries shall not exceed twenty in number. Any of said scholarships
42 to be awarded by the State Senator from Baltimore County shall
43 be awarded only after a competitive examination supervised by the
44 board of school commissioners of Baltimore County. The examination
45 questions shall be prepared and the papers shall be graded by the
46 University of Maryland. From the list of successful applicants pass-
47 ing the examination, the appropriate authorities of the University of
48 Maryland shall award the scholarship, taking into particular con-
49 sideration the financial condition of the parents or guardian of the
50 applicant. Any of said scholarships to be awarded by the State
51 Senator from Caroline County shall be awarded only after a com-
52 petitive examination supervised by the board of school commissioners
53 of Caroline County. The examination questions shall be prepared and
54 the papers shall be graded by the University of Maryland. From the
55 the list of successful applicants passing the examination, the appro-
56 priate authorities of the University of Maryland shall award the
57 scholarship, taking into consideration the financial condition of the
58 parents or guardian of the applicant.

1 278.

2 [For the erection of a building at Forstburg, Allegany County, to
3 be known as State Normal School No. 2, the sum of twenty thousand
4 dollars, and for the support of said school when established, seven
5 thousand dollars annually; provided, that the people of the Town of
6 Frostburg furnish the ground for the site of said building and deed
7 the same to the State.]

1 SEC 3. *And be it further enacted*, That if any clause, sentence, para-
2 graph, or section of this subtitle shall, for any reason, be adjudged
3 by any court of competent jurisdiction to be unconstitutional and
4 invalid, such judgment shall not affect, impair or invalidate the re-
5 mainder thereof, but shall be confined in its operation to the clause,
6 sentence, paragraph or section thereof so found unconstitutional and
7 invalid.

1 SEC. 4. *And be it further enacted*, That all acts and parts of acts
2 inconsistent with any of the provisions of this Act, or regulations or
3 laws of any agency or political subdivision of the State of any Board,

4 body, or group, are hereby repealed to the extent of their inconsist-
5 ency.

1 SEC. 5. *And be it further enacted*, That this Act is hereby declared
2 to be an emergency law and necessary for the immediate preservation
3 of the public health and safety, and being passed upon a yea and nay
4 vote, supported by three-fifths of all the members elected to each of
5 the Two Houses of the General Assembly, the same shall take effect
6 from the date of its passage.