



Mohammed Choudhury
State Superintendent of Schools

To: Members of the State Board of Education
From: Mohammed Choudhury, State Superintendent of Schools
Date: December 6, 2022
Subject: Financial Reporting Requirements

Purpose

To brief the State Board on the status of audit reports of local education agencies and to request that the State Board authorize the State Superintendent to withhold funds from local education agencies that are not in compliance with the provisions of §5-114 of the Education Article.

Background/Historical Perspective

Senate Bill 894, the Education Fiscal Accountability and Oversight Act of 2004, codified at §5-114, strengthens the authority of the State Superintendent and the State Board to monitor the fiscal health of local education agencies and provides for the enforcement of the requirements through the withholding of funds.

The requirements of §5-114 include the following:

- Timely submission of the annual audit report or submission within 10 days after notification that the report is late (§5-114(d));
- Submission of a corrective action cost containment plan within 15 days of notification by the State Superintendent of a deficit situation (§5-114(e)(2)(i); and
- Submission of monthly status reports on actions taken to close the deficit (§5-114(e)(2)(ii).

Section 5-114 of the Education Article further states:

"If a local school system fails to comply with the requirements of this section, the State Superintendent, with the approval of the State Board of Education, shall notify the State Comptroller, who shall withhold 10% of the next installment and each subsequent installment due the local school system from the general State school fund until the State Superintendent notifies the Comptroller that the local school system is in full compliance with the requirements of this section."

Executive Summary

The deadline for submitting annual audit reports is September 30, 2022. MSDE staff will provide the status of local education agency compliance during the State Board meeting.

Action

To request that the State Board of Education authorize the State Superintendent to notify the Comptroller to withhold 10% of the January State aid payment and each subsequent installment for any system that is not in full compliance with §5-114 of the Education Article.