

HOUSE BILL 1

Unofficial Copy
F1

2001 Regular Session
11r1331

(PRE-FILED)

By: Delegates Taylor, Dewberry, Hurson, Arnick, Busch, Doory, Guns, Harrison, Hixson, Howard, Kopp, Menes, Montague, Owings, Rawlings, Rosenberg, Vallario, and Wood Wood, W. Baker, Barkley, Bobo, Bronrott, Brown, Burns, Cadden, Cane, Carlson, Clagett, Cole, Conway, D'Amato, DeCarlo, Donoghue, Dypski, Finifter, Frush, Giannetti, Gladden, Goldwater, Grosfeld, Hammen, Healey, Hecht, Heller, Hubers, James, A. Jones, V. Jones, Kirk, Krysiak, Love, Mandel, McIntosh, Moe, Morhaim, Nathan-Pulliam, Patterson, Pendergrass, Pitkin, Riley, Rosso, Rudolph, Sher, Shriver, Weir, and Zirkin

Requested: November 15, 2000
Introduced and read first time: January 10, 2001
Assigned to: Ways and Means

Committee Report: Favorable with amendments
House action: Adopted
Read second time: April 3, 2001

CHAPTER _____

1 AN ACT concerning

2 **Targeted Education Funding Act of 2001**

3 FOR the purpose of ~~requiring a certain minimum State share of basic current expense~~
4 ~~funds for certain qualified economically distressed counties; increasing the~~
5 ~~amount of a State grant that is distributed to counties for the transportation of~~
6 ~~handicapped students; requiring certain annual State grants to county boards;~~
7 ~~providing for the determination of the amount of the distribution to certain~~
8 ~~counties based on the statewide and county per pupil yields from the county~~
9 ~~income tax for certain taxable years subject to certain limits; limiting the~~
10 ~~amount a county board may receive in any fiscal year to a certain amount;~~
11 ~~prohibiting a county board from receiving a certain distribution if the county~~
12 ~~income tax rate is less than a certain percent for certain taxable years; stating~~
13 ~~that it is the intent of the General Assembly that modifying the Governor's~~
14 ~~Teacher Salary Challenge Program to require that certain funds be distributed~~
15 ~~to certain counties in a certain fiscal year; extending the termination date of a~~
16 ~~certain management oversight panel in Prince George's County; extending~~
17 ~~certain responsibilities of the management oversight panel for a certain period;~~
18 ~~extending certain duties of the coordination office for the management oversight~~
19 ~~panel for a certain period; modifying the Maryland Academic Intervention and~~

1 Support Program to require that funds that are allocated to the program be
 2 distributed in a certain manner; extending the termination date of certain
 3 educational funding programs; modifying certain educational programs to make
 4 them applicable in a certain fiscal year; extending certain reporting deadlines
 5 relating to the Commission on Education Finance, Equity, and Excellence;
 6 providing for the termination of a certain Act relating to the Commission on
 7 Education Finance, Equity, and Excellence; defining certain terms; providing for
 8 the distribution of certain appropriations; requiring the Governor to include
 9 certain appropriations in the State budget for certain fiscal years bill submitted
 10 at a certain session of the General Assembly for certain educational programs;
 11 requiring the Governor to include a certain appropriation in the State budget for
 12 a certain fiscal year for a certain educational program; providing for the
 13 distribution of certain appropriations; providing for the termination of this Act;
 14 and generally relating to education finance the funding of the State's public
 15 schools.

16 ~~BY repealing and reenacting, without amendments,~~
 17 ~~Article - Education~~
 18 ~~Section 5-202(b)(3) and (4)~~
 19 ~~Annotated Code of Maryland~~
 20 ~~(1999 Replacement Volume and 2000 Supplement)~~

21 BY repealing and reenacting, with amendments,
 22 Article - Education
 23 ~~Section 5-202(b)(5) and 5-205(e) and (e)~~
 24 Section 5-206(g)(6) and (8), 5-213, and 7-208(a) and (g)
 25 Annotated Code of Maryland
 26 (1999 Replacement Volume and 2000 Supplement)

27 ~~BY repealing~~
 28 ~~Article - Education~~
 29 ~~Section 5-205(d)~~
 30 ~~Annotated Code of Maryland~~
 31 ~~(1999 Replacement Volume and 2000 Supplement)~~

32 ~~BY adding to~~
 33 ~~Article - Education~~
 34 ~~Section 5-216~~
 35 ~~Annotated Code of Maryland~~
 36 ~~(1999 Replacement Volume and 2000 Supplement)~~

37 BY repealing and reenacting, without amendments,
 38 Article - Education
 39 Section 5-206(g)(7) and 7-208(b)
 40 Annotated Code of Maryland

1 (1999 Replacement Volume and 2000 Supplement)

2 BY repealing and reenacting, with amendments,

3 Chapter 105 of the Acts of the General Assembly of 1997

4 Section 7 and 29-2(a)

5 BY repealing and reenacting, without amendments,

6 Chapter 105 of the Acts of the General Assembly of 1997

7 Section 24, 29-1, 29-2(b), and 29-3(e)

8 BY repealing and reenacting, with amendments,

9 Chapter 565 of the Acts of the General Assembly of 1998

10 Section 2 and 3

11 BY repealing and reenacting, with amendments,

12 Chapter 704 of the Acts of the General Assembly of 1998

13 Section 2, 3, 4, and 5

14 BY repealing and reenacting, with amendments,

15 Chapter 464 of the Acts of the General Assembly of 1999

16 Section 4

17 BY repealing and reenacting, with amendments,

18 Chapter 601 of the Acts of the General Assembly of 1999

19 Section 1(f) and 2

20 BY repealing and reenacting, with amendments,

21 Chapter 493 of the Acts of the General Assembly of 2000

22 Section 4 and 10

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

25 **~~Article – Education~~**

26 ~~5-202.~~

27 (b) (3) (i) ~~In this paragraph, "enrollment" means the full-time equivalent~~
28 ~~enrollment used in calculating the current expense aid for a county.~~

29 (ii) ~~To be eligible to receive the State share of basic current~~
30 ~~expenses:~~

31 ~~1. The county governing body shall levy an annual tax~~
32 ~~sufficient to provide an amount of revenue for elementary and secondary public~~
33 ~~education purposes equal to the product of the wealth of the county and a local~~
34 ~~contribution rate determined for each fiscal year; and~~

~~1 EXPENSES FOR THE COUNTY SHALL BE THE PRODUCT OF \$500 AND THE COUNTY'S
2 FULL-TIME-EQUIVALENT ENROLLMENT.~~

~~3 5-205.~~

~~4 (e) For each fiscal year, in addition to the grant provided under subsections (a)
5 and (b) of this section, a handicapped student transportation grant shall be
6 distributed to each county board. The amount of the grant to each board shall be
7 [\$500] \$1,000 times the number of handicapped students requiring special
8 transportation services who are transported by the county board [in excess of the
9 number transported during the 1980-1981 school year].~~

~~10 [(d) For the purposes of determining the amount of the grant provided under
11 subsection (e) of this section, the State Board shall develop a procedure and adopt
12 regulations for determining the number of handicapped students transported in each
13 jurisdiction in excess of the number transported in the 1980-1981 school year.]~~

~~14 [(e)] (D) The State Board shall adopt rules and regulations that provide for
15 the safe operation of the student transportation system of each county board of
16 education.~~

17 **Article - Education**

18 5-206.

19 (g) (6) (i) There shall be a Management Oversight Panel which shall
20 assist in developing the scope of the performance audit, meet periodically with the
21 auditors to monitor the progress of the performance audit and of the financial audit,
22 review the findings and recommendations of both audits, and monitor
23 implementation of the audits' recommendations for a [four-year] FIVE-YEAR period.

24 (ii) The Management Oversight Panel shall consist of nine
25 members jointly appointed by the Governor, the Prince George's County Executive,
26 and the Chairperson of the Prince George's County Board of Education from a list of
27 nominations submitted by the State Board of Education.

28 (iii) The Management Oversight Panel shall be comprised of:

29 1. Four individuals who have extensive expertise in
30 management or business enterprises;

31 2. Three individuals who have extensive expertise in the
32 education field; and

33 3. Two individuals who are parents of students in the Prince
34 George's County public schools, at least one of whom has a child in special education.

35 (iv) A majority of the members of the Management Oversight Panel
36 shall be residents of Prince George's County.

1 (v) The Governor, the Prince George's County Executive, and the
2 Chairman of the Prince George's County Board of Education jointly shall designate a
3 Chairman of the Management Oversight Panel.

4 (vi) The Management Oversight Panel shall assist in developing the
5 scope of a performance audit and shall meet periodically with the Board Chairperson,
6 the County Executive, and the County Council Chairperson to monitor the progress of
7 the audit.

8 (vii) At the conclusion of the performance audit and the financial
9 audit, the Management Oversight Panel shall review the findings and
10 recommendations of the audits and report to the Governor, General Assembly, Prince
11 George's County Council, Prince George's County Executive, and Prince George's
12 County Board of Education:

13 1. On the audits' findings and recommendations; and

14 2. Annually on implementation of the audits'
15 recommendations.

16 (viii) The Management Oversight Panel and the county board shall
17 promulgate and publish a protocol for joint communications with, and requests for,
18 information to the County Board and the County Superintendent and shall notify the
19 Prince George's County Senators and the Prince George's County Delegation, the
20 County Executive, the County Council and the State Superintendent of any breaches
21 of that protocol by the Management Oversight Panel, the County Board, or the
22 County Superintendent.

23 (ix) The Management Oversight Panel may meet and deliberate in
24 executive session with the County Board, the County Superintendent, and employees
25 of the County Board to discuss any matter which the Management Oversight Panel
26 and the County Board may separately discuss in executive session.

27 (x) The affirmative vote of the members of the Management
28 Oversight Panel for the passage of a motion by the Management Oversight Panel
29 shall be a majority of the members presently authorized to serve.

30 (7) The State shall provide one-third of the total cost of the performance
31 audit up to \$200,000, with release of the funds contingent on appointment of the
32 Management Oversight Panel.

33 (8) (i) There shall be a coordination office with staff appointed by the
34 Management Oversight Panel.

35 (ii) The coordination office shall provide support to the
36 Management Oversight Panel and serve as liaison between the State, Prince George's
37 County, and the Management Oversight Panel for the duration of the [four-year]
38 FIVE-YEAR period.

1 (iii) The State shall fund the total operating costs of the
2 coordination office.

3 5-213.

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

5 (2) (i) "Cost of living adjustment" means a percentage increase in
6 salaries that applies among all grades and steps.

7 (ii) "Cost of living adjustment" does not include salary increases for
8 promotions, increments, or step increases, or similar salary increases received by
9 employees as a regular part of the operation of a personnel system.

10 (3) "Full-time equivalent enrollment" has the meaning indicated in §
11 5-202 of this subtitle.

12 (4) "State share" means the State share of basic current expenses
13 provided under § 5-202 of this subtitle divided by the amount of the basic current
14 expenses to be shared for that county.

15 (5) "Teacher salary base" means the total salaries and wages of teachers
16 employed by a county board for the fiscal year preceding the fiscal year for which the
17 Governor's Challenge Grant is calculated, as determined by the Department of
18 Budget and Management and the State Superintendent.

19 (6) "Teacher" means any certificated professional public school employee
20 who is not an administrator.

21 (7) "Wealth" has the meaning stated in § 5-202 of this subtitle.

22 (8) "Wealth per pupil" means wealth divided by full-time equivalent
23 enrollment.

24 (b) There is a Governor's Teacher Salary Challenge Program.

25 (c) The Governor's Teacher Salary Challenge Program shall provide grants to
26 county boards for the purpose of increasing teacher salaries in order to improve
27 recruitment and retention of well qualified teachers.

28 (d) (1) Each grant made to a county board shall be calculated based on:

29 (i) A percentage component;

30 (ii) A wealth adjusted component;

31 (iii) A hold harmless component;

32 (iv) A targeted component; and

33 (v) A transitional component.

1 (2) The percentage component shall be calculated as follows:

2 (i) For fiscal year 2001, multiply the teacher salary base for the
3 county board by 0.01; [and]

4 (ii) For fiscal year 2002:

5 1. If the county board meets the local match requirement
6 established under subsection (f)(2) of this section in fiscal year 2001 and meets the
7 local match requirement for fiscal year 2002, multiply the teacher salary base for the
8 county board by 0.02;

9 2. If the county board does not meet the local match
10 requirement established under subsection (f)(2) of this section in fiscal year 2001 and
11 meets the local match requirement in fiscal year 2002, multiply the teacher salary
12 base for the county board by 0.01; and

13 3. If the county board meets the local match requirement
14 established under subsection (f)(2) of this section in fiscal year 2001 and does not
15 meet the local match requirement in fiscal year 2002, multiply the teacher salary
16 base for the county board by 0.01; AND

17 (III) FOR FISCAL YEAR 2003, THE COUNTY BOARD SHALL RECEIVE
18 AN AMOUNT THAT IS EQUAL TO THE PERCENTAGE COMPONENT RECEIVED BY THE
19 COUNTY BOARD IN FISCAL YEAR 2002.

20 (3) (I) For [each] fiscal [year] YEARS 2001 AND 2002, the wealth
21 adjusted component shall be calculated as follows:

22 (i) 1. A. Multiply the percentage component for the county
23 board by 2; and

24 [2.] B. Multiply the product calculated in [item 1] ITEM A of
25 this item for that fiscal year by the State share for the county board; and

26 (ii) 1.] 2. A. If the product calculated in [item (i)] ITEM 1 of
27 this [paragraph] SUBPARAGRAPH is greater than the percentage component for the
28 county board, the wealth adjusted component shall be the amount of the difference[.];
29 AND

30 [2.] B. If the product calculated in [item (i)] ITEM 1 of this
31 [paragraph] SUBPARAGRAPH is less than the percentage component for the county
32 board, the wealth adjusted component shall be zero.

33 (II) FOR FISCAL YEAR 2003, THE COUNTY BOARD SHALL RECEIVE
34 AN AMOUNT THAT IS EQUAL TO THE WEALTH ADJUSTED COMPONENT RECEIVED BY
35 THE COUNTY BOARD IN FISCAL YEAR 2002.

36 (4) (i) The Governor's Teacher Salary Challenge Grant to a county
37 board shall contain a hold harmless component equal to the amount, if any, by which

1 the county board's State share of basic current expense calculated under § 5-202 of
2 this subtitle for the year of the Governor's Teacher Salary Challenge Grant is less
3 than the county board's State share of basic current expense calculated under § 5-202
4 of this subtitle for the previous year.

5 (ii) A county board shall receive its hold harmless component
6 regardless of whether it meets the local match requirement established under
7 subsection (f)(2) of this section.

8 (5) (i) The Governor's Teacher Salary Challenge Grant to a county
9 board shall contain a targeted component as provided in subparagraphs (ii) through
10 [(v)] (VI) of this paragraph.

11 (ii) For fiscal year 2001, the Governor shall include in the annual
12 budget bill an appropriation of at least \$5,300,000 for the targeted component.

13 (iii) For fiscal year 2002, the Governor shall include in the annual
14 budget bill an appropriation of at least \$10,600,000 for the targeted component.

15 (iv) [The] FOR FISCAL YEARS 2001 AND 2002, THE county board in
16 each county that has a wealth per pupil that is less than 75 percent of the statewide
17 wealth per pupil shall receive a proportionate share of the targeted component that is
18 equal to the county board's proportionate share of the total full-time equivalent
19 enrollment for all counties with a wealth per pupil that is less than 75 percent of the
20 statewide wealth per pupil.

21 (v) [A] FOR FISCAL YEARS 2001 AND 2002, THE county board shall
22 receive its proportionate share of the targeted component regardless of whether it
23 meets the local match requirement established under subsection (f)(2) of this section.

24 (VI) FOR FISCAL YEAR 2003, THE COUNTY BOARD SHALL RECEIVE
25 AN AMOUNT THAT IS EQUAL TO THE TARGETED COMPONENT RECEIVED BY THE
26 COUNTY BOARD IN FISCAL YEAR 2002.

27 (6) (i) The Governor's Teacher Salary Challenge Grant shall contain a
28 transitional component as provided in subparagraphs (ii) and (iii) of this paragraph.

29 (ii) For fiscal year 2001, the Governor shall include in the State
30 budget an appropriation of at least \$9 million for the transitional component.

31 (iii) A county board shall receive a proportionate share of the
32 transitional component that is equal to the county board's proportionate share of all
33 reimbursements received by the State from the county board that:

34 1. Are for retirement contributions received after June 30,
35 1999 but before July 1, 2000; and

36 2. Are sought by the State Retirement Agency on the basis
37 that the salary of an eligible member of the Teachers' Retirement System or Teachers'
38 Pension System is paid in whole or in part from:

1 A. State aid, whether general or categorical in nature; or

2 B. Federal funds, whether the funds are paid directly to a
3 county board or are passed through from a unit of State government.

4 (iv) A county board shall receive its proportionate share of the
5 transitional component regardless of whether it meets the local match requirement
6 established under subsection (f)(2) of this section.

7 (e) (1) On or before June 1, 2000, and on or before June 1, 2001, each county
8 board may submit a Governor's Teacher Salary Challenge Grant application to the
9 Department of Budget and Management and the State Superintendent for the
10 percentage component and the wealth adjusted component of the Governor's Teacher
11 Salary Challenge Program.

12 (2) The application shall include:

13 (i) The estimated teacher salary base for the county board for the
14 current fiscal year;

15 (ii) For the next fiscal year, the negotiated and funded cost of living
16 adjustment for teachers and the aggregate cost of negotiated and funded changes to
17 the teacher salary schedules, to be funded from sources other than the percentage
18 component of the Governor's Teacher Salary Challenge Grant, expressed in total
19 dollars and as a percentage; and

20 (iii) Any other information necessary to determine eligibility for the
21 Governor's Teacher Salary Challenge Grant.

22 (3) The application shall be in a form and format specified by the
23 Department of Budget and Management and the State Superintendent.

24 (f) (1) [The] FOR FISCAL YEARS 2001 AND 2002, THE percentage component
25 and the wealth adjusted component of a Governor's Teacher Salary Challenge Grant
26 shall be awarded to each county board that submits an application and that meets the
27 requirements of this section, as determined by the Department of Budget and
28 Management and the State Superintendent.

29 (2) (i) Subject to subparagraph (ii) of this paragraph and paragraph
30 (3) of this subsection, a county board that provides a negotiated and funded cost of
31 living adjustment for teachers of at least 4% or a negotiated and funded adjustment to
32 the teacher salary schedules that has an aggregate cost that is at least equivalent to
33 the cost of providing a 4% cost of living adjustment for teachers shall qualify for the
34 percentage component and the wealth adjusted component of the Governor's Teacher
35 Salary Challenge Program.

36 (ii) The funds provided by a county board for the purpose of
37 meeting the local match requirement established under subparagraph (i) of this
38 paragraph shall be:

1 (ii) All interest earned on the Fund shall accrue to the General
2 Fund.

3 (iii) The State Comptroller shall account for the Fund.

4 (5) The Fund shall be used to implement the Governor's Teacher Salary
5 Challenge Program established under this section.

6 (6) Expenditures from the Fund may only be made pursuant to an
7 appropriation approved by the General Assembly in the annual State budget or by
8 approved budget amendment.

9 (7) Except as provided in paragraph (8) of this subsection, any Fund
10 balance at the end of each fiscal year shall remain in the Fund and may not revert to
11 the General Fund.

12 (8) The Fund shall terminate at the end of [June 30, 2002] JUNE 30, 2003
13 and any Fund balance that remains at the end of [June 30, 2002] JUNE 30, 2003 shall
14 revert to the General Fund.

15 ~~5-216.~~

16 ~~(A) (1) FOR FISCAL YEARS 2002 AND 2003, A COUNTY BOARD SHALL RECEIVE~~
17 ~~THE AMOUNT DETERMINED FOR EACH COUNTY UNDER THIS SECTION.~~

18 ~~(2) THE AMOUNT A COUNTY BOARD SHALL RECEIVE UNDER THIS~~
19 ~~SECTION IN ANY FISCAL YEAR SHALL BE BASED ON THE COUNTY INCOME TAX~~
20 ~~COLLECTED FROM INDIVIDUALS FOR THE TAXABLE YEAR THAT ENDED IN THE~~
21 ~~SECOND PRIOR FISCAL YEAR, FROM RETURNS FILED THROUGH AUGUST 15~~
22 ~~IMMEDIATELY PRECEDING THE APPLICABLE FISCAL YEAR, AS DETERMINED BY THE~~
23 ~~COMPTROLLER.~~

24 ~~(B) (1) FOR EACH FISCAL YEAR, THE STATE SUPERINTENDENT SHALL~~
25 ~~DETERMINE AS ROUNDED TO THE NEAREST CENT.~~

26 ~~(1) THE PER PUPIL YIELD OF THE COUNTY INCOME TAX FOR EACH~~
27 ~~COUNTY, BASED ON:~~

28 ~~1. UNLESS A COUNTY INCOME TAX RATE OF OTHER THAN~~
29 ~~2.54% WAS IN EFFECT, THE RECEIPTS DESCRIBED IN SUBSECTION (A)(2) OF THIS~~
30 ~~SECTION, AS DETERMINED BY THE COMPTROLLER;~~

31 ~~2. THE FULL-TIME EQUIVALENT ENROLLMENT FOR THE~~
32 ~~COUNTY USED IN THE CALCULATION OF STATE AID UNDER § 5-202(B) OF THIS TITLE~~
33 ~~FOR THE PRIOR FISCAL YEAR; AND~~

34 ~~3. IF THE COUNTY INCOME TAX RATE IS OTHER THAN 2.54%~~
35 ~~IN THE APPLICABLE TAXABLE YEAR, THE RECEIPTS DESCRIBED IN SUBSECTION (A)(2)~~
36 ~~OF THIS SECTION THAT WOULD HAVE BEEN RECEIVED IF A COUNTY INCOME TAX~~
37 ~~RATE OF 2.54% HAD BEEN IN EFFECT, AS DETERMINED BY THE COMPTROLLER; AND~~

1 (H) ~~THE PER PUPIL STATEWIDE YIELD OF THE COUNTY INCOME~~
2 ~~TAX, BASED ON:~~

3 1. ~~THE TOTAL RECEIPTS FOR COUNTY INCOME TAX~~
4 ~~DESCRIBED IN SUBSECTION (A)(2) OF THIS SECTION FOR COUNTIES WITH AN INCOME~~
5 ~~TAX RATE OF 2.54% IN EFFECT, AS DETERMINED BY THE COMPTROLLER;~~

6 2. ~~THE TOTAL FULL TIME EQUIVALENT ENROLLMENT IN~~
7 ~~THE STATE USED IN THE CALCULATION OF STATE AID UNDER § 5-202(B) OF THIS~~
8 ~~TITLE FOR THE PRIOR FISCAL YEAR; AND~~

9 3. ~~FOR COUNTIES WITH AN INCOME TAX RATE OF OTHER~~
10 ~~THAN 2.54% IN EFFECT, THE TOTAL RECEIPTS FOR COUNTY INCOME TAX DESCRIBED~~
11 ~~IN SUBSECTION (A)(2) OF THIS SECTION THAT WOULD HAVE BEEN RECEIVED IF A~~
12 ~~COUNTY INCOME TAX RATE OF 2.54% HAD BEEN IN EFFECT, AS DETERMINED BY THE~~
13 ~~COMPTROLLER.~~

14 (2) ~~IF THE PER PUPIL YIELD OF THE COUNTY INCOME TAX FOR A~~
15 ~~COUNTY DETERMINED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION IS LESS THAN~~
16 ~~72.5% OF THE PER PUPIL STATEWIDE YIELD OF THE COUNTY INCOME TAX~~
17 ~~DETERMINED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE STATE~~
18 ~~SUPERINTENDENT SHALL DETERMINE THE AMOUNT THAT WOULD INCREASE THE~~
19 ~~COUNTY PER PUPIL YIELD TO EQUAL 72.5% OF THE STATEWIDE PER PUPIL YIELD, AS~~
20 ~~ROUNDED TO THE NEAREST DOLLAR.~~

21 (3) ~~A COUNTY BOARD MAY NOT RECEIVE MORE THAN \$10 MILLION IN~~
22 ~~ANY FISCAL YEAR.~~

23 (4) ~~A COUNTY BOARD MAY NOT RECEIVE A DISTRIBUTION UNDER THIS~~
24 ~~SUBSECTION IF THE COUNTY TAX RATE IN THAT COUNTY WAS LESS THAN 2.4%:~~

25 (I) ~~FOR THE TAXABLE YEAR THAT ENDED IN THE SECOND PRIOR~~
26 ~~FISCAL YEAR; OR~~

27 (II) ~~FOR ANY SUBSEQUENT TAXABLE YEAR THROUGH THE~~
28 ~~TAXABLE YEAR THAT ENDS IN THE CURRENT FISCAL YEAR.~~

29 (C) ~~THE COMPTROLLER SHALL MAKE PAYMENTS OF THE ADDITIONAL~~
30 ~~AMOUNTS PROVIDED UNDER THIS SECTION QUARTERLY DURING THE FISCAL YEAR~~
31 ~~FOR WHICH THE PAYMENT IS MADE.~~

32 7-208.

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

34 (2) "Academic intervention programs" means academic programs with
35 curriculum-based instruction that may take place:

36 (i) Before school starts each day and after school ends each day;

1 (ii) During the regular school day, provided there is no continual
2 conflict with curriculum-based instruction;

3 (iii) On weekends;

4 (iv) On holidays;

5 (v) During vacations; or

6 (vi) During summer break.

7 (3) "AMOUNT PER WEIGHTED PUPIL" MEANS THE TOTAL AMOUNT OF
8 FUNDS IN EXCESS OF \$11,600,000 THAT ARE ALLOCATED FOR GRANTS UNDER
9 SUBSECTION (B)(4)(II) OF THIS SECTION DIVIDED BY THE TOTAL WEIGHTED
10 ENROLLMENT COUNT.

11 (4) "Curriculum-based instruction" means instruction based on
12 curriculum guides and courses of study developed by each county in accordance with
13 § 4-111 of this article.

14 (5) "INTENSITY FACTOR" MEANS 70% DIVIDED BY THE AVERAGE
15 COMPOSITE SCORE ON THE MARYLAND SCHOOL PERFORMANCE ASSESSMENT
16 PROGRAM TEST FOR EIGHTH GRADE STUDENTS ENROLLED IN A COUNTY'S PUBLIC
17 SCHOOLS DURING THE SECOND FISCAL YEAR PRIOR TO THE FISCAL YEAR FOR
18 WHICH THE APPROPRIATION WAS MADE.

19 [4] (6) "Program" means the Maryland Academic Intervention and
20 Support Program established under this section.

21 (7) "TOTAL WEIGHTED ENROLLMENT COUNT" MEANS THE SUM OF THE
22 WEIGHTED ENROLLMENT COUNTS FOR ALL COUNTIES IN THE STATE.

23 (8) "WEIGHTED ENROLLMENT COUNT" MEANS THE PRODUCT OF THE
24 NUMBER OF EIGHTH GRADE STUDENTS ENROLLED IN A COUNTY'S PUBLIC SCHOOLS
25 ON SEPTEMBER 30 OF THE SECOND FISCAL YEAR PRIOR TO THE FISCAL YEAR FOR
26 WHICH THE APPROPRIATION WAS MADE AND THE COUNTY'S INTENSITY FACTOR.

27 (b) (1) There is a Maryland Academic Intervention and Support Program in
28 the Department.

29 (2) The purpose of the Program is to provide academic intervention
30 programs for students who have demonstrated deficiencies in reading or
31 mathematics.

32 (3) The Program shall be funded as provided in the State budget.

33 (4) The funds that are allocated to the Program in the State budget shall
34 be used to:

35 (i) Cover the costs incurred by the Department in implementing
36 and administering the Program; and

1 (ii) Provide grants to county boards as authorized under subsection
 2 (g) of this section.

3 (g) (1) Of the [total amount] FIRST \$11,600,000 that is [allocated] USED for
 4 grants under subsection (b)(4)(ii) of this section, each county board shall receive a:

5 (I) BASE GRANT OF \$70,000; AND

6 (II) FOUNDATION GRANT THAT IS EQUAL TO A fraction OF
 7 \$9,920,000:

8 [(1)] 1. The numerator of which is the number of students in the county
 9 scoring less than [70%] SATISFACTORY on the reading or mathematics portion of the
 10 Maryland School Performance Assessment Program Test; and

11 [(2)] 2. The denominator of which is the number of students in the
 12 State scoring less than [70%] SATISFACTORY on the reading or mathematics portion
 13 of the Maryland School Performance Assessment Program Test.

14 (2) OF THE FUNDS IN EXCESS OF \$11,600,000 THAT ARE USED FOR
 15 GRANTS UNDER SUBSECTION (B)(4)(II) OF THIS SECTION, EACH COUNTY BOARD
 16 SHALL RECEIVE AN INTENSITY GRANT THAT IS EQUAL TO THE PRODUCT OF THE
 17 COUNTY'S WEIGHTED ENROLLMENT COUNT AND THE AMOUNT PER WEIGHTED
 18 PUPIL.

19 ~~SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the~~
 20 ~~General Assembly that the Governor include in the State budget for fiscal year 2002~~
 21 ~~an appropriation that is sufficient to fund the grant required under § 5-202(b)(5)(iv)~~
 22 ~~of the Education Article, as amended by this Act.~~

23 ~~SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the~~
 24 ~~General Assembly that the Governor include in the State budget for fiscal year 2002~~
 25 ~~an appropriation that is sufficient to fund the grant required under § 5-205(c) of the~~
 26 ~~Education Article, as amended by this Act.~~

27 ~~SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the~~
 28 ~~General Assembly that the Governor include in the State budget for fiscal year 2002~~
 29 ~~an appropriation that is sufficient to fund the grant required under § 5-216 of the~~
 30 ~~Education Article, as enacted by this Act.~~

31 ~~SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the~~
 32 ~~General Assembly that, in addition to the appropriation required by § 8-414 of the~~
 33 ~~Education Article, the Governor include in the State budget for fiscal year 2002 an~~
 34 ~~appropriation of at least \$53.55 million for public special education that includes: (1)~~
 35 ~~the \$11.25 million appropriated in fiscal year 2001 for public special education and~~
 36 ~~distributed in accordance with the recommendations set forth in the November 1986~~
 37 ~~report of the Task Force to Study the Funding of Special Education; and (2) an~~
 38 ~~additional \$42.3 million that shall be distributed in the same manner.~~

1 SECTION 2. AND BE IT FURTHER ENACTED, That in addition to the
2 appropriation required by § 8-414 of the Education Article, the Governor shall
3 include in the Budget Bill submitted at the 2002 Session of the General Assembly an
4 appropriation of at least \$11,250,000 for public special education that shall be
5 distributed in accordance with the recommendations set forth in the November 1986
6 report of the Task Force to Study the Funding of Special Education.

7 SECTION 3. AND BE IT FURTHER ENACTED, That the Governor shall
8 include in the Budget Bill submitted at the 2002 Session of the General Assembly an
9 appropriation of at least \$19,500,000 to fund the Maryland Academic Intervention
10 and Support Program established under § 7-208 of the Education Article.

11 SECTION 4. AND BE IT FURTHER ENACTED, That the Governor shall
12 include in the Budget Bill submitted at the 2002 Session of the General Assembly an
13 appropriation of at least \$15,900,000 for teacher mentoring programs.

14 SECTION 5. AND BE IT FURTHER ENACTED, That the Governor shall
15 include in the Budget Bill submitted at the 2002 Session of the General Assembly an
16 appropriation of at least \$19,000,000 to fund programs that improve academic
17 achievement of students in pre-kindergarten through third grade that shall be
18 distributed in accordance with the recommendations set forth in the November 1986
19 report of the Task Force to Study the Funding of Special Education.

20 SECTION 6. AND BE IT FURTHER ENACTED, That the Governor shall
21 include in the Budget Bill submitted at the 2002 Session of the General Assembly an
22 appropriation of at least \$11,625,000 for the Judith P. Hoyer Early Child Care and
23 Education Enhancement Program established under § 5-215 of the Education Article.

24 SECTION 7. AND BE IT FURTHER ENACTED, That the Governor shall
25 include in the Budget Bill submitted at the 2002 Session of the General Assembly an
26 appropriation of at least \$9,800,000 to fund the program for reconstitution-eligible
27 schools established under Title 13A, Subtitle 01, Chapter 04 of the Code of Maryland
28 Regulations.

29 SECTION 8. AND BE IT FURTHER ENACTED, That the Laws of Maryland
30 read as follows:

31 **Chapter 105 of the Acts of 1997**

32 SECTION 7. AND BE IT FURTHER ENACTED, That the provisions of this
33 Act reflect the terms of the consent decrees entered in the cases "Bradford, et al v.
34 Maryland State Board of Education, et al", case no. 94340058/CE189672; "Board of
35 School Commissioners, et al v. Maryland State Board of Education, et al", case no.
36 9528055/CL2002151, Baltimore City Circuit Court; and "Vaughn G., et al v. Mayor
37 and City Council, et al", case no. MJG-84-1911, United States District Court for the
38 District of Maryland and reflect a commitment to appropriate additional funds for the
39 Baltimore City public schools in the following amounts: \$30 million in Fiscal Year
40 1998 and \$50 million in each of Fiscal Years 1999 through 2002, inclusive. FOR
41 FISCAL YEAR 2003, THE GOVERNOR SHALL CONTINUE THE COMMITMENT

1 TO APPROPRIATE \$50 MILLION IN ADDITIONAL FUNDS FOR THE
2 BALTIMORE CITY PUBLIC SCHOOLS.

3 SECTION 24. AND BE IT FURTHER ENACTED, That, if the General
4 Assembly fails to appropriate the funds for any of the fiscal years described in Section
5 7 of this Act, this Act shall be abrogated effective on the last day of the last fiscal year
6 for which funds were appropriated.

7 SECTION 29. AND BE IT FURTHER ENACTED, That:
8 29-1. Grants Contingent Upon Funding.

9 In each year in which funds are provided to Baltimore City pursuant to Section
10 7 of this Act, subject to approval of the General Assembly, the Governor shall provide
11 in the State budget the amounts provided in this section for the jurisdictions
12 indicated.

13 29-2. Abrogation Provisions.

14 (a) (1) [The provisions] SUBSECTION (E) of this section shall remain in
15 effect until June 30, 2002, after which [they] IT shall be abrogated and of no further
16 force and effect without further action by the General Assembly.

17 (2) EXCEPT AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, THIS
18 SECTION SHALL REMAIN IN EFFECT UNTIL JUNE 30, 2003, AFTER WHICH IT SHALL BE
19 ABROGATED AND OF NO FURTHER FORCE AND EFFECT WITH NO FURTHER ACTION
20 REQUIRED BY THE GENERAL ASSEMBLY.

21 (b) If the General Assembly fails to appropriate the funds described in this
22 section for any of the fiscal years, this Act shall be abrogated effective on the last day
23 of the last fiscal year for which funds were appropriated.

24 29-3.

25 (e) State Aid for Community Colleges.

26 The following additional funds shall be provided in addition to any funds
27 appropriated for a community college board pursuant to the State Aid for Community
28 Colleges Program established in § 16-305 of the Education Article:

- 29 (1) Allegany Community College \$160,861;
- 30 (2) Cecil Community College \$ 74,121;
- 31 (3) Chesapeake Community College \$ 4,909;
- 32 (4) Frederick Community College..... \$ 97,133;
- 33 (5) Garrett Community College \$ 91,445;
- 34 (6) Harford Community College \$145,848;

(7) Hagerstown Community College.....\$165,181.

The total additional grant under this subsection is \$739,498.

Chapter 565 of the Acts of 1998

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Governor provide a maximum of [\$210,000] \$310,000 annually in Fiscal Years 1999 through [2002] 2003 for the operating expenses of the Coordination Office established by this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1998. It shall remain effective for a period of [4] 5 years and, at the end of [June 30, 2002] JUNE 30, 2003, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Chapter 704 of the Acts of 1998

SECTION 2. AND BE IT FURTHER ENACTED, That for fiscal years 1999 through [2002] 2003, in each year, the State shall provide \$35 million for public school construction projects in Prince George's County and the Prince George's County government shall provide a minimum of \$32 million for public school construction projects, and such additional funds as may be necessary to match the annual State appropriation for public school construction projects in Prince George's County. For fiscal years 2000 through [2002] 2003, the full level of State funding shall be contingent on future economic conditions and review and approval by the State Superintendent of Schools of the Prince George's County Board of Education's Comprehensive Plan described in the 1998 Memorandum of Understanding signed by the parties to Vaughns, et al. v. Board of Education of Prince George's County, et al. and submitted to the United States District Court.

SECTION 3. AND BE IT FURTHER ENACTED, That for fiscal years 1999 through [2002] 2003, in each year, the State shall provide 75 percent of the eligible costs for up to \$35 million in public school construction costs in Prince George's County. At least \$20 million of the State funds must be spent each year on neighborhood school projects. For funding above \$35 million, the State shall provide 60 percent of the eligible costs. Neighborhood school projects shall be identified by the Interagency Committee on Public School Construction and shall include new public schools and additions or improvements to existing public schools which serve students reassigned to their local communities based upon the Community Schools Education Plan developed by the Prince George's County Board of Education.

SECTION 4. AND BE IT FURTHER ENACTED, That prior to any school construction projects being released for bidding as a result of State funding in fiscal years 1999 through [2002] 2003, the Prince George's County Board of Education, the County Executive, and the County Council shall submit to the Interagency Committee on School Construction the most recent Community Schools Education Plan and the Prince George's County Board of Education Capital Improvement Program and a letter of endorsement of the plan and program. The Interagency

1 Committee shall review the information submitted and determine which projects or
 2 portions thereof are justified and which qualify as neighborhood school projects. Prior
 3 to any approval from the Interagency Committee to release any projects for bidding,
 4 the educational programs and services proposed for each project shall be reviewed
 5 and approved by the State Superintendent of Schools for consistency with practices
 6 and strategies that result in improved student achievement and academic and social
 7 success.

8 SECTION 5. AND BE IT FURTHER ENACTED, That:

9 (a) Except as provided in subsection (b) of this section and Section 6 of this
 10 Act, this Act shall remain effective until June 30, [2002] 2003, and, at the end of June
 11 30, [2002] 2003, with no further action required by the General Assembly, this Act
 12 shall be abrogated and of no further force and effect.

13 (b) Notwithstanding any other provision of this Act, § 5-307(d) of the
 14 Education Article as enacted by this Act shall remain in effect and shall not terminate
 15 without further action by the General Assembly.

16 **Chapter 464 of the Acts of 1999**

17 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall remain
 18 effective until [June 30, 2002] JUNE 30, 2003, and, at the end of [June 30, 2002]
 19 JUNE 30, 2003, with no further action required by the General Assembly, this Act shall
 20 be abrogated and of no further force and effect.

21 **Chapter 601 of the Acts of 1999**

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 23 MARYLAND, That:

24 (f) (1) The Commission shall provide [an] interim [report] REPORTS of its
 25 findings and recommendations to the Governor and, in accordance with § 2-1246 of
 26 the State Government Article, to the General Assembly by January 1, 2000 AND
 27 JANUARY 1, 2001, RESPECTIVELY.

28 (2) The Commission shall provide a final report of its findings and
 29 recommendations to the Governor and, in accordance with § 2-1246 of the State
 30 Government Article, to the General Assembly by [October 15, 2000] OCTOBER 15,
 31 2001.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
 33 effect June 1, 1999. IT SHALL REMAIN EFFECTIVE FOR A PERIOD OF 3 YEARS AND, AT
 34 THE END OF MAY 31, 2002, WITH NO FURTHER ACTION REQUIRED BY THE GENERAL
 35 ASSEMBLY, THIS ACT SHALL BE ABROGATED AND OF NO FURTHER FORCE AND
 36 EFFECT.

1

Chapter 493 of the Acts of 2000

2 SECTION 4. AND BE IT FURTHER ENACTED, That the Governor shall
3 include in the State budget for each of fiscal years [2001 and 2002,] 2002 AND 2003, an
4 appropriation of at least [\$8,000,000] \$20,465,079 to meet the State's existing legal
5 obligations for educational funding and avoid future litigation.

6 SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take
7 effect June 1, 2000. Section 1 of this Act shall remain effective for a period of [2] 3
8 years and 1 month and, at the end of [June 30, 2002] JUNE 30, 2003, with no further
9 action required by the General Assembly, Section 1 of this Act shall be abrogated and
10 of no further force and effect.

11 ~~SECTION 6. AND BE IT FURTHER ENACTED, That the Governor shall~~
12 ~~include in the State budget for fiscal year 2003 an appropriation of at least \$53.55~~
13 ~~million for public special education, to be distributed in accordance with the~~
14 ~~recommendations set forth in the November 1986 report of the Task Force to Study~~
15 ~~the Funding of Special Education.~~

16 ~~SECTION 7. 9. AND BE IT FURTHER ENACTED, That this Act shall take~~
17 ~~effect July 1, 2001 June 1, 2001. It shall remain effective for a period of 2 years and,~~
18 ~~at the end of June 30, 2003, with no further action required by the General Assembly,~~
19 ~~this Act shall be abrogated and of no further force and effect.~~