
By: **Delegates Carter, Kaiser, Marriott, McIntosh, Oaks, Petzold,
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Introduced and read first time: February 7, 2003

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Bridge to Excellence in Education Act - Compensatory**
3 **Education Grants Program - Additional Funding for Infants and Toddlers**
4 **Programs**

5 FOR the purpose of requiring the State to include additional money for the
6 compensatory education grants program under the Bridge to Excellence in
7 Education Act in order to provide certain services to infants and toddlers;
8 requiring each county board of education to develop infants and toddlers
9 services plans as part of the county board's comprehensive master plan for
10 improving student achievement; requiring each county board, in the
11 development of its infants and toddlers services plans, to consult with the
12 infants and toddlers service providers in the county; altering a certain
13 definition; and generally relating to the development of infants and toddlers
14 services plans and funding for infants and toddlers programs under the Bridge
15 to Excellence in Education Act.

16 BY repealing and reenacting, with amendments,
17 Article - Education
18 Section 5-207, 5-401, and 7-101.1
19 Annotated Code of Maryland
20 (2001 Replacement Volume and 2002 Supplement)
21 (As enacted by Chapter 288 of the Acts of the General Assembly of 2002)

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

24 **Article - Education**

25 5-207.

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

1 (2) "Aggregate State funding level for the compensatory education
2 formula" means the product of the compensatory education per pupil amount and the
3 statewide compensatory education enrollment count.

4 (3) (i) Except as provided in subparagraph (ii) of this paragraph,
5 "compensatory education enrollment count" means the number of students eligible for
6 free or reduced price meals for the prior fiscal year.

7 (ii) For fiscal year 2004, "compensatory education enrollment
8 count" means the greater of:

9 1. The number of students eligible for free or reduced price
10 meals for the prior fiscal year; or

11 2. The number of students eligible for free or reduced price
12 meals for the second prior fiscal year.

13 (4) "Compensatory education per pupil amount" means [97%] 109% of
14 the annual per pupil foundation amount calculated under § 5-202 of this subtitle
15 multiplied by the State share of compensatory education funding.

16 (5) "Eligible for free or reduced price meals" means eligible for free or
17 reduced price meals based on eligibility requirements established by the United
18 States Department of Agriculture.

19 (6) "Full-time equivalent enrollment" has the meaning stated in § 5-202
20 of this subtitle.

21 (7) "Local wealth per pupil" means a county's wealth divided by the
22 county's full-time equivalent enrollment.

23 (8) "State share of compensatory education funding" means:

24 (i) 0.29 in fiscal year 2004;

25 (ii) 0.37 in fiscal year 2005;

26 (iii) 0.41 in fiscal year 2006;

27 (iv) 0.46 in fiscal year 2007; and

28 (v) 0.50 in fiscal year 2008 and each fiscal year thereafter.

29 (9) "Statewide wealth per pupil" means the sum of the wealth of all
30 counties divided by the statewide full-time equivalent enrollment.

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

32 (b) Each year the State shall distribute compensatory education grants to
33 county boards.

1 (c) (1) The amount of the compensatory education grant distributed to a
2 county board shall be calculated as provided in this subsection.

3 (2) For each county, multiply the compensatory education per pupil
4 amount by the county's compensatory education enrollment count.

5 (3) For each county, divide the result calculated under paragraph (2) of
6 this subsection by the ratio, rounded to seven decimal places, of local wealth per pupil
7 to statewide wealth per pupil.

8 (4) For each county, multiply the result calculated under paragraph (3) of
9 this subsection for the county by the result, rounded to seven decimal places, that
10 results from dividing the aggregate State funding level for the compensatory
11 education formula by the sum of all of the results calculated under paragraph (3) of
12 this subsection for all counties.

13 (d) (1) If the amount calculated under subsection (c)(4) of this section for any
14 county is less than the minimum compensatory education grant amount determined
15 under paragraph (2) of this subsection, the State shall distribute an additional grant
16 to the county in the amount by which the minimum compensatory education grant
17 amount exceeds the result calculated under subsection (c)(4) of this section.

18 (2) For purposes of paragraph (1) of this subsection, the minimum
19 compensatory education grant amount for each county is the result obtained by
20 multiplying the compensatory education per pupil amount by the county's
21 compensatory education enrollment count, and multiplying this product by:

22 (i) 0.50 for fiscal year 2004;

23 (ii) 0.66 for fiscal year 2005;

24 (iii) 0.70 for fiscal year 2006;

25 (iv) 0.76 for fiscal year 2007; and

26 (v) 0.80 for fiscal year 2008 and each fiscal year thereafter.

27 5-401.

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

29 (2) "Local performance standards" means standards for student and
30 school performance developed by a county board.

31 (3) "Plan" means a comprehensive master plan.

32 (4) "State performance standards" means standards for student and
33 school performance approved by the State Board.

34 (b) (1) Each county board shall develop and implement a comprehensive
35 master plan that describes the goals, objectives, and strategies that will be used to

1 improve student achievement and meet State performance standards and local
2 performance standards in each segment of the student population.

3 (2) (i) Each county board shall submit a plan to the Department on or
4 before October 1, 2003.

5 (ii) At least 60 days before submitting a plan to the Department, a
6 county board shall provide a copy of the plan to the:

7 1. County council and if applicable, county executive; or

8 2. County commissioners.

9 (3) Subject to subsection (h) of this section, the plan shall:

10 (i) Extend for a 5-year period beginning with the 2003-2004 school
11 year; and

12 (ii) Be updated by the county board on or before July 1 of each year.

13 (c) The plan shall include:

14 (1) Goals and objectives as required under subsections (d) through (f) of
15 this section that are aligned with State performance standards and local performance
16 standards;

17 (2) Implementation strategies for meeting goals and objectives;

18 (3) Methods for measuring progress toward meeting goals and objectives;

19 (4) Time lines for implementation of the strategies for meeting goals and
20 objectives;

21 (5) Time lines for meeting goals and objectives;

22 (6) A description of the alignment of the county board's budget with
23 goals, objectives, and strategies for improving student achievement; and

24 (7) Any other information required by the State Superintendent.

25 (d) The plan shall include goals, objectives, and strategies regarding the
26 performance of:

27 (1) Students requiring special education, as defined in § 5-209 of this
28 title;

29 (2) Students with limited-English proficiency, as defined in § 5-208 of
30 this title;

31 (3) [Prekindergarten students] EACH ELIGIBLE CHILD, AS DEFINED
32 UNDER § 7-101.1 OF THIS ARTICLE;

- 1 (4) Kindergarten students;
- 2 (5) Gifted and talented students, as defined in § 8-201 of this article;
- 3 (6) Students enrolled in career and technology courses;
- 4 (7) Students failing to meet, or failing to make progress toward meeting,
5 State performance standards, including any segment of the student population that
6 is, on average, performing at a lower achievement level than the student population
7 as a whole; and
- 8 (8) Any other segment of the student population identified by the State
9 Superintendent.

10 (e) With regard to subsection (d)(7) of this section, the plan shall include
11 strategies to address any disparities in achievement identified for any segment of the
12 student population.

13 (f) (1) (i) The State Superintendent shall review each plan to determine
14 whether the plan complies with the requirements of subsections (b) through (e) of this
15 section.

16 (ii) If the State Superintendent determines that a plan does not
17 comply with the requirements of subsections (b) through (e) of this section, the State
18 Superintendent may require specific revisions to the plan.

19 (2) (i) The State Superintendent may review the content of each plan
20 to assess whether the plan will have the effect of improving student achievement and
21 increasing progress toward meeting State performance standards.

22 (ii) If the State Superintendent determines that a plan will not
23 have the effect of improving student achievement and increasing progress toward
24 meeting State performance standards, the State Superintendent may require specific
25 revisions to the plan.

26 (3) A county board may not implement a plan unless it has been
27 approved by the State Superintendent.

28 (g) (1) A county board may submit a preexisting management plan to the
29 Department as the county board's plan under subsection (b) of this section.

30 (2) If the State Superintendent determines that the preexisting
31 management plan meets the requirements set forth in this section, the State
32 Superintendent shall approve the preexisting management plan as the county board's
33 plan.

34 (h) (1) If a school system fails to demonstrate progress toward improving
35 student achievement and meeting State performance standards in each segment of
36 the student population during a school year, the State Superintendent shall review
37 the content of the plan and any updates to the plan to assess whether the plan will

1 have the effect of improving student achievement and increasing progress toward
2 meeting State performance standards.

3 (2) If the State Superintendent determines that a plan will not have the
4 effect of improving student achievement and increasing progress toward meeting
5 State performance standards, the State Superintendent shall require specific
6 revisions to the plan.

7 (i) The State Superintendent shall advise the Governor and the General
8 Assembly concerning the distribution of State funds to a county that fails to make
9 progress toward improving student achievement and meeting State performance
10 standards in each segment of the student population.

11 (j) The State Board may withhold State funds from a county board if:

12 (1) A school system fails to demonstrate annual progress toward
13 improving student achievement and meeting State performance standards in each
14 segment of the student population; and

15 (2) Fails to develop a plan that meets the requirements of subsections (b)
16 through (g) of this section or take any action required by the State Superintendent
17 under this section.

18 (k) (1) The State Superintendent shall review academic intervention
19 programs and behavior modification programs to identify best practices.

20 (2) The State Superintendent shall periodically report on the best
21 practices to the State Board, the county boards, the Governor, and, subject to §
22 2-1246 of the State Government Article, the General Assembly.

23 (l) (1) Subject to paragraph (2) of this subsection, the Department shall
24 adopt regulations as necessary to implement this section.

25 (2) The Department shall consult with county superintendents and
26 county boards before promulgating proposed regulations to implement this section.

27 (m) The Department may provide technical assistance to county boards in
28 developing and implementing a plan.

29 (n) The Governor shall include an appropriation for the Department in the
30 State budget for each fiscal year in amount sufficient to cover the costs associated
31 with implementing this section.

32 7-101.1.

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

34 (2) "Economically disadvantaged background" means a family whose
35 income would make a child eligible for free or reduced price meals if the child were in
36 kindergarten.

1 (3) "Eligible child" means a child[:

2 (i) Who is] from an economically disadvantaged background[;

3 (ii) Whose]:

4 (I) WHO IS UNDER 4 YEARS OLD ON SEPTEMBER 1 AND THEREBY
5 INELIGIBLE TO ENROLL IN A PUBLIC PREKINDERGARTEN PROGRAM IN THE COUNTY
6 THAT SCHOOL YEAR; OR

7 (II) 1. WHOSE parent or guardian seeks to enroll the child in a
8 public prekindergarten program; and

9 [(iii)] 2. Who is 4 years old on September 1 of the school year in which
10 the parent or legal guardian seeks to enroll the child in a public prekindergarten
11 program.

12 (4) "Eligible for free or reduced price meals" means eligible for free or
13 reduced price meals based on eligibility requirements established by the United
14 States Department of Agriculture.

15 (b) By the 2007-2008 school year, all eligible children shall be admitted free of
16 charge to publicly funded INFANTS AND TODDLERS OR prekindergarten programs
17 established by each of the county boards.

18 (c) The requirements set forth in § 7-101(b) of this subtitle regarding the
19 domicile of a child and the residency of the child's parent or guardian shall apply to
20 INFANTS AND TODDLERS AND prekindergarten programs established by county
21 boards as required by this section.

22 (d) (1) In the comprehensive master plan that is submitted under § 5-401 of
23 this article, a county board shall identify the strategies that will be used in that
24 county to ensure that publicly funded INFANTS AND TODDLERS AND prekindergarten
25 programs are available to all eligible children in that county by the 2007-2008 school
26 year.

27 (2) EACH COUNTY BOARD SHALL DEVELOP ITS INFANTS AND TODDLERS
28 SERVICES PLANS IN CONSULTATION WITH THE PROVIDERS OF INFANTS AND
29 TODDLERS SERVICES IN THE COUNTY.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2003.