

HOUSE BILL 1228

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By: **Delegates Stocksdale, Aumann, Bates, Dwyer, Eckardt, Frank, George, Haddaway, McComas, Miller, O'Donnell, Serafini, Shank, Shewell, Smigiel, and Sossi**

Introduced and read first time: February 18, 2010

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Fair Funding for Public Schools**

3 FOR the purpose of altering the definition of “full-time equivalent enrollment” in the
4 calculation for certain State aid for education; providing for the application of
5 this Act; and generally relating to the determination of full-time equivalent
6 enrollment in the calculation of certain State aid for education.

7 BY repealing and reenacting, without amendments,
8 Article – Education
9 Section 5–202(a)(1), (2), (5), (8), (12), and (13) and (b)
10 Annotated Code of Maryland
11 (2008 Replacement Volume and 2009 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Education
14 Section 5–202(a)(6)
15 Annotated Code of Maryland
16 (2008 Replacement Volume and 2009 Supplement)

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

19 **Article – Education**

20 5–202.

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

22 (2) “Annual per pupil foundation amount” means:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) For fiscal years 2004 through 2008, the sum, rounded to the
2 nearest dollar, of:

3 1. The fiscal year 2002 per pupil foundation amount of
4 \$4,124; and

5 2. The product of the difference between the target per
6 pupil foundation amount and \$4,124 and:

7 A. 0.40 in fiscal year 2004;

8 B. 0.52 in fiscal year 2005;

9 C. 0.71 in fiscal year 2006; and

10 D. 0.83 in fiscal year 2007; and

11 (ii) For fiscal year 2008 and each fiscal year thereafter, the
12 target per pupil foundation amount.

13 (5) "Foundation program" means the product of the annual per pupil
14 foundation amount and a county's full-time equivalent enrollment.

15 (6) "Full-time equivalent enrollment" means the sum of:

16 (i) The **AVERAGE** number of students enrolled in [grades 1]
17 **KINDERGARTEN** through **GRADE 12** or their equivalent in regular day school
18 programs on September 30 **AND APRIL 30** of the [previous school] **SECOND PRIOR**
19 **FISCAL** year; **AND**

20 (ii) [Except as provided in item (iii) of this paragraph, the
21 product of the number of students enrolled in kindergarten programs on September 30
22 of the prior school year and:

23 1. 0.60 in fiscal year 2004;

24 2. 0.70 in fiscal year 2005;

25 3. 0.80 in fiscal year 2006;

26 4. 0.90 in fiscal year 2007; and

27 5. 1.00 in fiscal year 2008 and each fiscal year
28 thereafter;

1 (iii) In Garrett County, the number of students enrolled in
2 kindergarten programs on September 30 of the prior school year; and

3 (iv)] The **AVERAGE** number of full-time equivalent students, as
4 determined by a regulation of the Department, enrolled in evening high school
5 programs during the [previous school] **SECOND PRIOR FISCAL** year.

6 (8) “Local share of the foundation program” means the product of the
7 local contribution rate and a county’s wealth.

8 (12) “State share of the foundation program” means the greater of:

9 (i) The difference between the foundation program and the
10 local share of the foundation program; and

11 (ii) The result obtained by multiplying the annual per pupil
12 foundation amount by the county’s full-time equivalent enrollment, and multiplying
13 this product by:

14 1. 0.25 in fiscal year 2004;

15 2. 0.24 in fiscal year 2005;

16 3. 0.22 in fiscal year 2006;

17 4. 0.19 in fiscal year 2007; and

18 5. 0.15 in fiscal year 2008 and each fiscal year
19 thereafter.

20 (13) “Target per pupil foundation amount” means:

21 (i) In fiscal years 2008, 2009, and 2010, \$6,694;

22 (ii) Except as provided in item (iii) of this paragraph, in
23 subsequent fiscal years:

24 1. The target per pupil foundation amount for the prior
25 fiscal year increased by the same percentage as the lesser of:

26 A. The increase in the implicit price deflator for State
27 and local government expenditures for the second prior fiscal year;

28 B. The Consumer Price Index for all urban consumers for
29 the Washington–Baltimore metropolitan area, or any successor index, for the second
30 prior fiscal year; or

1 C. 5%; or

2 2. If there is no increase in the implicit price deflator for
3 State and local government expenditures for the second prior fiscal year or in the
4 Consumer Price Index for all urban consumers for the Washington–Baltimore
5 metropolitan area, or any successor index, for the second prior fiscal year, the target
6 per pupil foundation amount for the prior fiscal year; and

7 (iii) In fiscal year 2012:

8 1. The target per pupil foundation amount for the prior
9 fiscal year increased by the same percentage as the lesser of:

10 A. The increase in the implicit price deflator for State
11 and local government expenditures for the second prior fiscal year;

12 B. The Consumer Price Index for all urban consumers for
13 the Washington–Baltimore metropolitan area, or any successor index, for the second
14 prior fiscal year; or

15 C. 1%; or

16 2. If there is no increase in the implicit price deflator for
17 State and local government expenditures for the second prior fiscal year or in the
18 Consumer Price Index for all urban consumers for the Washington–Baltimore
19 metropolitan area, or any successor index, for the second prior fiscal year, the target
20 per pupil foundation amount for the prior fiscal year.

21 (b) Subject to the other provisions of this section, each year the State shall
22 distribute the State share of the foundation program to each county board.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 July 1, 2010, and shall be applicable to the calculation of payments of State aid for
25 education for fiscal years beginning after June 30, 2011.