

SENATE BILL 128

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4lr0103

(PRE-FILED)

By: **Chair, Budget and Taxation Committee (By Request – Departmental – Education)**

Requested: November 1, 2013

Introduced and read first time: January 8, 2014

Assigned to: Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 10, 2014

CHAPTER _____

1 AN ACT concerning

2 **Education – Compensatory Education Grants – Federal Community**
3 **Eligibility Provision**

4 FOR the purpose of altering a certain definition for certain fiscal years to determine
5 the number of students used to calculate a certain grant for schools that
6 participate in a certain federal program; ~~providing for the application of this Act~~
7 requiring a certain study to include a certain review of the identification of
8 certain students for a certain purpose; and generally relating to the
9 compensatory education grant for primary and secondary education.

10 BY repealing and reenacting, with amendments,
11 Article – Education
12 Section 5–207(a)(3)
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2013 Supplement)

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

17 **Article – Education**

18 5–207.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) (3) (i) Except as provided in subparagraph (ii) of this paragraph,
 2 “compensatory education enrollment count” means the number of students eligible for
 3 free or reduced price meals for the prior fiscal year.

4 (ii) [For fiscal year 2004, “compensatory education enrollment
 5 count” means the greater of:

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

8 2. The number of students eligible for free or reduced
 9 price meals for the second prior fiscal year] **FOR FISCAL YEARS 2015, 2016, AND**
 10 **2017, “COMPENSATORY EDUCATION ENROLLMENT COUNT” MEANS:**

11 1. **THE NUMBER OF STUDENTS ELIGIBLE FOR FREE**
 12 **OR REDUCED PRICE MEALS FOR THE PRIOR FISCAL YEAR; OR**

13 2. **FOR ~~SCHOOL SYSTEMS~~ COUNTY BOARDS THAT**
 14 **PARTICIPATE, IN WHOLE OR IN PART, IN THE UNITED STATES DEPARTMENT OF**
 15 **AGRICULTURE COMMUNITY ELIGIBILITY PROVISION, THE NUMBER OF**
 16 **STUDENTS EQUAL TO THE GREATER OF:**

17 **A. THE SUM OF THE NUMBER OF STUDENTS IN**
 18 **PARTICIPATING SCHOOLS IDENTIFIED BY DIRECT CERTIFICATION FOR THE**
 19 **PRIOR FISCAL YEAR, PLUS THE NUMBER OF STUDENTS IDENTIFIED BY THE**
 20 **INCOME INFORMATION PROVIDED BY THE FAMILY TO THE SCHOOL SYSTEM ON**
 21 **AN ALTERNATIVE FORM DEVELOPED BY THE DEPARTMENT FOR THE PRIOR**
 22 **FISCAL YEAR, PLUS THE NUMBER OF STUDENTS ELIGIBLE FOR FREE AND**
 23 **REDUCED PRICE MEALS FROM ANY SCHOOLS NOT PARTICIPATING IN THE**
 24 **COMMUNITY ELIGIBILITY PROVISION FOR THE PRIOR FISCAL YEAR; OR**

25 **B. ~~THE NUMBER OF STUDENTS ELIGIBLE FOR FREE~~**
 26 **~~AND REDUCED PRICE MEALS FOR THE PARTICIPATING SCHOOL SYSTEM FOR~~**
 27 **~~THE YEAR PRIOR TO OPTING INTO THE UNITED STATES DEPARTMENT OF~~**
 28 **~~AGRICULTURE COMMUNITY ELIGIBILITY PROVISION~~ SUBJECT TO**
 29 **SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE NUMBER OF STUDENTS**
 30 **ELIGIBLE FOR FREE AND REDUCED PRICE MEALS AT SCHOOLS NOT**
 31 **PARTICIPATING IN THE COMMUNITY ELIGIBILITY PROVISION FOR THE PRIOR**
 32 **FISCAL YEAR, PLUS THE PRODUCT OF THE PERCENTAGE OF STUDENTS**
 33 **ELIGIBLE FOR FREE AND REDUCED PRICE MEALS AT PARTICIPATING SCHOOLS**
 34 **FOR THE FISCAL YEAR PRIOR TO OPTING INTO THE UNITED STATES**
 35 **DEPARTMENT OF AGRICULTURE COMMUNITY ELIGIBILITY PROVISION**
 36 **MULTIPLIED BY THE PRIOR FISCAL YEAR ENROLLMENT.**

1 (III) FOR THE PURPOSE OF THE CALCULATION UNDER
 2 SUBPARAGRAPH (II)2B OF THIS SUBSECTION, THE SCHOOLS PARTICIPATING IN
 3 THE COMMUNITY ELIGIBILITY PROGRAM DURING THE PILOT YEAR MAY USE THE
 4 PERCENTAGE OF STUDENTS IDENTIFIED FOR FREE AND REDUCED PRICE MEALS
 5 DURING THE PILOT YEAR.

6 SECTION 2. AND BE IT FURTHER ENACTED, That:

7 (a) The adequacy study required by Chapter 288 of the Acts of the General
 8 Assembly of 2002 shall include a review of the identification of low-income students
 9 for the purpose of providing State education aid.

10 (b) The review shall include an evaluation of:

11 (1) the methods used in other states and by the federal government to
 12 identify low-income students or families; and

13 (2) whether the number of low-income students used to calculate the
 14 compensatory education formula for State aid for the years during which a county
 15 board of education, including the Baltimore City Board of School Commissioners,
 16 elects to participate, in whole or in part, in the United States Department of
 17 Agriculture community eligibility provision is comparable to the number of
 18 low-income students who would have been identified using a method recommended in
 19 the adequacy study.

20 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
 21 effect June 1, 2014, ~~and shall be applicable beginning in the 2014-2015 school year.~~

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.