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§5–209.

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

(2) “Aggregate State funding for the special education formula” means the product of the special education per pupil amount and the statewide special education enrollment count.

(3) “Full-time equivalent enrollment” has the meaning stated in § 5-202 of this subtitle.

(4) “Local wealth per pupil” means a county’s wealth divided by the county’s full-time equivalent enrollment.

(5) (i) Except as provided in subparagraph (ii) of this paragraph, “special education enrollment count” means the number of special education students for the prior fiscal year in a public school operated by a county board other than those students who are enrolled in or attend:

1. The Maryland School for the Blind;
2. The Maryland School for the Deaf; or
3. An educational program operated by the State.

(ii) For fiscal year 2004, “special education enrollment count” means the greater of:

1. The number of special education students for the prior fiscal year; or
2. The number of special education students for the second prior fiscal year.

(6) “Special education student” means a student requiring special education services as defined in the federal Individuals with Disabilities Education Act.

(7) “Special education per pupil amount” means 74% of the annual per pupil foundation amount calculated under § 5-202 of this subtitle multiplied by the State share of special education funding.

(8) “State share of special education funding” means:

- (i) 0.29 in fiscal year 2004;

- (ii) 0.37 in fiscal year 2005;
- (iii) 0.41 in fiscal year 2006;
- (iv) 0.46 in fiscal year 2007; and
- (v) 0.50 in fiscal year 2008 and each fiscal year thereafter.

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

(10) “Tier I special education funding” means the funds that are distributed under § 8-414 of this article.

(11) “Tier II special education funding” means the difference between the aggregate State funding for the special education formula and Tier I special education funding.

(12) “Tier II special education per pupil amount” means the result obtained by dividing the Tier II special education funding by the statewide special education enrollment count.

(13) “Wealth” has the meaning stated in § 5-202 of this subtitle.

(b) Each year the State shall distribute Tier II special education grants to county boards.

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

(2) For each county, multiply the county’s special education enrollment count by the Tier II special education per pupil amount.

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

(4) For each county, multiply the result calculated under paragraph (3) of this subsection by the result, rounded to seven decimal places, that results from dividing Tier II special education funding by the sum of all of the results calculated under paragraph (3) of this subsection for all counties.

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

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

- (i) 0.50 for fiscal year 2004;
- (ii) 0.66 for fiscal year 2005;
- (iii) 0.70 for fiscal year 2006;
- (iv) 0.76 for fiscal year 2007; and
- (v) 0.80 for fiscal year 2008 and each fiscal year thereafter.

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