

HOUSE BILL 1402

F1, O4

(6lr1656)

ENROLLED BILL

— Ways and Means/Budget and Taxation —

Introduced by **Delegates McIntosh, Chang, Cullison, Ebersole, Frick, Frush, Glenn, Haynes, Hill, Hixson, Jackson, Jalisi, Jones, Kaiser, Krimm, Lam, Luedtke, McCray, Morhaim, Pena-Melnyk, Turner, Valderrama, ~~and Waldstreicher~~ Waldstreicher, Patterson, Tarlau, and M. Washington**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Education – ~~Maryland Extended Day and Summer Enhancement Programs~~**
3 **Public School Opportunities Enhancement Act**

4 FOR the purpose of establishing the ~~Maryland Extended Day and Summer~~ Public School
5 Opportunities Enhancement Program; requiring the State Department of Education
6 (~~Department~~) to administer the program and consult with the Department of
7 Natural Resources under certain circumstances; requiring the Department to
8 develop a certain comprehensive plan on or before a certain date; requiring the
9 Department to review and update a certain comprehensive plan annually; requiring
10 the Department to use a certain framework to monitor and assess the quality of
11 certain extended day and summer enhancement programs; establishing the
12 ~~Maryland Extended Day and Summer~~ Public School Opportunities Enhancement

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.
Italics indicate opposite chamber/conference committee amendments.



1 Grant in the Program; requiring the Department to administer the grant program
 2 and establish certain policies for the administration of the grant program;
 3 authorizing the Department to award certain grants to certain local ~~education~~
 4 ~~agencies~~ school systems, certain community schools, and certain nonprofit
 5 organizations to expand or create extended day and summer enhancement programs
 6 ~~or,~~ to establish certain new partnerships, or to expand or support certain educational
 7 programming during the school day; encouraging certain public schools to partner
 8 with certain nonprofit organizations to extend certain day and summer enhancement
 9 programs; providing for the qualification for a certain grant; providing for the
 10 allocation of a certain grant; providing that certain applications shall receive
 11 priority; requiring the Department to ensure that certain grantees will administer a
 12 certain grant under certain circumstances; requiring the Governor to provide a
 13 certain annual appropriation in the State budget for certain fiscal years; requiring
 14 grantees to provide certain programs and ensure that certain programs contain an
 15 educational component; requiring that certain educational programs are aligned
 16 with certain standards; requiring certain grantees to provide certain matching
 17 funds; requiring the Department to make a certain annual report on or before a
 18 certain date; requiring the Department to adopt certain regulations; defining certain
 19 terms; and generally relating to the ~~Maryland Extended Day and Summer~~
 20 ~~Enhancement Programs~~ Public School Opportunities Enhancement Act.

21 BY repealing

22 Article – Human Services

23 Section 8–1101 through 8–1107 and the subtitle “Subtitle 11. Maryland After–School
 24 and Summer Opportunity Fund Program”

25 Annotated Code of Maryland

26 (2007 Volume and 2015 Supplement)

27 BY adding to

28 Article – Education

29 Section 7–1701 through 7–1706 to be under the new subtitle “Subtitle 17. ~~Maryland~~
 30 ~~Extended Day and Summer~~ Public School Opportunities Enhancement
 31 Program”

32 Annotated Code of Maryland

33 (2014 Replacement Volume and 2015 Supplement)

34 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 35 That Section(s) 8–1101 through 8–1107 and the subtitle “Subtitle 11. Maryland
 36 After–School and Summer Opportunity Fund Program” of Article – Human Services of the
 37 Annotated Code of Maryland be repealed.

38 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 39 as follows:

40 **Article – Education**

1 ~~SUBTITLE 17. MARYLAND EXTENDED DAY AND SUMMER ENHANCEMENT~~
2 ~~PROGRAM~~ PUBLIC SCHOOL OPPORTUNITIES ENHANCEMENT PROGRAM.

3 7-1701.

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.

6 (B) “COMMUNITY SCHOOL” MEANS AN EXISTING PUBLIC SCHOOL IN THE
7 STATE THAT UTILIZES A COMMUNITY SCHOOL STRATEGY THAT IS RECOGNIZED BY
8 THE MARYLAND OUT OF SCHOOL TIME NETWORK.

9 ~~(B)~~ (C) “EXTENDED DAY AND SUMMER ENHANCEMENT PROGRAMS
10 PROGRAM” MEANS AN EDUCATIONAL AND RECREATIONAL ENRICHMENT PROGRAMS
11 PROGRAM FOR CHILDREN BETWEEN THE AGES OF 4 AND 19 THAT TAKE TAKES
12 PLACE:

13 (1) BEFORE AND AFTER THE SCHOOL DAY;

14 (2) ON WEEKENDS AND HOLIDAYS; AND

15 (3) DURING VACATIONS AND SUMMER BREAKS.

16 ~~(C)~~ (D) “GRANTEE” MEANS A LOCAL EDUCATION AGENCY SCHOOL
17 SYSTEM OR, A COMMUNITY SCHOOL, OR A NONPROFIT ORGANIZATION THAT
18 RECEIVES A MARYLAND EXTENDED DAY AND SUMMER PUBLIC SCHOOL
19 OPPORTUNITIES ENHANCEMENT GRANT FROM THE DEPARTMENT.

20 ~~(D)~~ (E) “NONPROFIT ORGANIZATION” MEANS AN ORGANIZATION THAT IS
21 EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE.

22 ~~(E)~~ (F) “PROGRAM” MEANS THE MARYLAND EXTENDED DAY AND
23 SUMMER PUBLIC SCHOOL OPPORTUNITIES ENHANCEMENT PROGRAM.

24 ~~(F)~~ (G) “TECHNICAL ASSISTANCE” MEANS ASSISTANCE PROVIDED BY THE
25 DEPARTMENT TO:

26 (1) IDENTIFY AND IMPLEMENT EFFECTIVE PRACTICES FOR
27 EXTENDED DAY AND SUMMER ENHANCEMENT PROGRAMS;

28 (2) ENSURE THAT EXTENDED DAY AND SUMMER ENHANCEMENT
29 PROGRAMS COMPLY WITH THE MARYLAND OUT-OF-SCHOOL TIME PROGRAMS’
30 QUALITY STANDARDS FRAMEWORK; AND

1 **(3) ENSURE THAT EXTENDED DAY AND SUMMER ENHANCEMENT**
2 **PROGRAMS HAVE AN EDUCATIONAL COMPONENT THAT IS AGE APPROPRIATE AND**
3 **ALIGNED WITH THE MARYLAND COLLEGE AND CAREER READY STANDARDS.**

4 **7-1702.**

5 **(A) THERE IS A ~~MARYLAND EXTENDED DAY AND SUMMER~~ PUBLIC SCHOOL**
6 **OPPORTUNITIES ENHANCEMENT PROGRAM.**

7 **(B) (1) THE DEPARTMENT SHALL ADMINISTER THE PROGRAM.**

8 **(2) THE DEPARTMENT SHALL CONSULT WITH THE DEPARTMENT OF**
9 **NATURAL RESOURCES WHEN REVIEWING THE RECREATIONAL COMPONENTS OF AN**
10 **EXTENDED DAY OR SUMMER ENHANCEMENT PROGRAM.**

11 **(C) (1) (I) ON OR BEFORE DECEMBER 1, 2016, THE DEPARTMENT, IN**
12 **CONSULTATION WITH THE DEPARTMENT OF NATURAL RESOURCES, SHALL**
13 **DEVELOP A COMPREHENSIVE PLAN FOR EXTENDED DAY OR SUMMER**
14 **ENHANCEMENT PROGRAMS.**

15 **(II) THE COMPREHENSIVE PLAN REQUIRED BY SUBPARAGRAPH**
16 **(I) OF THIS PARAGRAPH SHALL ADDRESS:**

17 **1. LEVERAGING PUBLIC AND PRIVATE FUNDING**
18 **SOURCES AS WELL AS FEDERAL FUNDING SOURCES TO SUPPORT EXTENDED DAY**
19 **AND SUMMER ENHANCEMENT PROGRAMS;**

20 **2. THE SPECIAL NEEDS OF CHILDREN WITH**
21 **DISABILITIES;**

22 **3. USING SCHOOL BUILDINGS, PUBLIC LIBRARIES, AND**
23 **LOCAL PUBLIC TRANSPORTATION RESOURCES FOR EXTENDED DAY AND SUMMER**
24 **ENHANCEMENT PROGRAMS;**

25 **4. PROVIDING TECHNICAL ASSISTANCE TO NONPROFIT**
26 **ORGANIZATIONS;**

27 **5. EXPANDING THE NUMBER OF HIGH QUALITY**
28 **EXTENDED DAY AND SUMMER ENHANCEMENT PROGRAMS IN THE STATE; AND**

29 **6. INTEGRATING THE PLANS DEVELOPED BY LOCAL**
30 **JURISDICTIONS TO EXPAND THE NUMBER OF HIGH QUALITY EXTENDED DAY AND**
31 **SUMMER ENHANCEMENT PROGRAMS.**

1 (2) ON OR BEFORE DECEMBER 1, 2017, AND EACH YEAR
2 THEREAFTER, THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF
3 NATURAL RESOURCES, SHALL REVIEW AND UPDATE THE COMPREHENSIVE PLAN
4 REQUIRED IN PARAGRAPH (1)(I) OF THIS SUBSECTION.

5 (D) (1) THE DEPARTMENT SHALL USE THE MARYLAND OUT-OF-SCHOOL
6 TIME PROGRAMS' QUALITY STANDARDS FRAMEWORK TO MONITOR AND ASSESS
7 THE QUALITY OF THE EXTENDED DAY AND SUMMER ENHANCEMENT PROGRAMS
8 PROVIDED BY NONPROFIT ORGANIZATIONS THAT RECEIVE FUNDING IN
9 ACCORDANCE WITH THIS SUBTITLE.

10 (2) THE MARYLAND OUT-OF-SCHOOL TIME PROGRAMS' QUALITY
11 STANDARDS FRAMEWORK DOES NOT SUPERSEDE APPLICABLE CHILD CARE CENTER
12 LICENSING REGULATIONS.

13 7-1703.

14 (A) THERE IS A ~~MARYLAND EXTENDED DAY AND SUMMER~~ PUBLIC SCHOOL
15 OPPORTUNITIES ENHANCEMENT GRANT IN THE PROGRAM.

16 (B) (1) THE DEPARTMENT SHALL DEVELOP AND ADMINISTER THE GRANT
17 PROGRAM TO ASSIST ~~LOCAL EDUCATION AGENCIES~~;

18 (I) LOCAL SCHOOL SYSTEMS, COMMUNITY SCHOOLS, AND
19 NONPROFIT ORGANIZATIONS IN THE STATE IN EXPANDING OR CREATING EXTENDED
20 DAY AND SUMMER ENHANCEMENT PROGRAMS; AND

21 (II) NONPROFIT ORGANIZATIONS IN THE STATE AND
22 COMMUNITY SCHOOLS IN EXPANDING OR SUPPORTING EXISTING EDUCATIONAL
23 PROGRAMMING DURING THE SCHOOL DAY.

24 (2) (I) THE DEPARTMENT SHALL ESTABLISH POLICIES AND
25 PROCEDURES FOR THE ADMINISTRATION OF THE GRANT PROGRAM, INCLUDING:

26 ~~(H)~~ 1. THE GRANT APPLICATION PROCESS; AND

27 ~~(H)~~ 2. CRITERIA FOR AWARDING GRANTS UNDER THIS
28 SUBTITLE.

29 (II) WHEN AWARDING GRANTS TO NONPROFIT ORGANIZATIONS,
30 THE DEPARTMENT SHALL GIVE PRIORITY TO ~~MARYLAND-BASED~~.

31 1. MARYLAND-BASED NONPROFIT ORGANIZATIONS;
32 AND

2. NONPROFIT ORGANIZATIONS OPERATING IN MARYLAND ON OR BEFORE JULY 1, 2016.

(C) (1) A LOCAL ~~EDUCATION AGENCY~~ SCHOOL SYSTEM, COMMUNITY SCHOOL, OR A NONPROFIT ORGANIZATION MAY APPLY TO THE DEPARTMENT FOR A GRANT TO:

(I) EXPAND OR CREATE AN EXTENDED DAY AND SUMMER ENHANCEMENT PROGRAM;

**(II) EXPAND OR CREATE A SUMMER ENHANCEMENT PROGRAM;
OR**

(III) ESTABLISH NEW EDUCATIONAL OR RECREATIONAL PARTNERSHIPS WITH:

1. LOCAL PARKS AND RECREATION DEPARTMENTS;

2. RECREATION COUNCILS;

3. LOCAL PUBLIC SCHOOLS;

4. PUBLIC LIBRARIES;

5. INSTITUTIONS OF HIGHER EDUCATION;

6. PRIVATE SECTOR BUSINESSES; AND

7. OTHER NONPROFIT ORGANIZATIONS AND FOUNDATIONS.

(2) A NONPROFIT ORGANIZATION MAY APPLY TO THE DEPARTMENT FOR A GRANT TO SUPPORT EXISTING EDUCATIONAL PROGRAMMING DURING THE SCHOOL DAY, INCLUDING THE RECRUITMENT, TRAINING, AND ONGOING PROFESSIONAL DEVELOPMENT OF NEW TEACHERS.

~~(2)~~ (3) A PUBLIC SCHOOL IS ENCOURAGED TO PARTNER WITH NONPROFIT ORGANIZATIONS TO PROVIDE EXTENDED SCHOOL DAY AND SUMMER ENHANCEMENT PROGRAMS FOR THEIR STUDENTS.

(D) (1) TO QUALIFY FOR A GRANT AWARDED IN ACCORDANCE WITH THIS SUBTITLE, A GRANTEE SHALL PROVIDE ~~EXTENDED DAY AND SUMMER ENHANCEMENT PROGRAMS~~ THE SERVICES LISTED IN SUBSECTION (C) OF THIS

1 SECTION IN A COUNTY IN WHICH AT LEAST 50% OF PUBLIC SCHOOL STUDENTS AS A
2 PERCENTAGE OF FULL-TIME EQUIVALENT STUDENTS AS DEFINED IN § 5-202 OF
3 THIS ARTICLE QUALIFY FOR A FREE LUNCH UNDER THE NATIONAL SCHOOL LUNCH
4 PROGRAM.

5 (2) THE TOTAL AMOUNT OF GRANTS AWARDED SHALL BE ALLOCATED
6 TO GRANTEEES PROPORTIONALLY BASED ON THE NUMBER OF PUBLIC SCHOOLS IN
7 EACH COUNTY THAT MEET THE ELIGIBILITY REQUIREMENT IN PARAGRAPH (1) OF
8 THIS SUBSECTION.

9 (E) (1) THE DEPARTMENT SHALL SELECT APPLICATIONS THAT:

10 (I) BEST INCORPORATE FEATURES THAT WILL HAVE A
11 POSITIVE MEASURABLE IMPACT ON THE CONDITIONS OF WELL-BEING FOR
12 CHILDREN AND YOUTH AS IDENTIFIED BY THE MARYLAND OUT-OF-SCHOOL TIME
13 PROGRAMS' QUALITY STANDARDS FRAMEWORK;

14 (II) FOR EXTENDED DAY PROGRAMS, BEST INTEGRATE AN
15 EDUCATIONAL COMPONENT THAT WILL ASSIST STUDENTS IN MEETING ACADEMIC
16 REQUIREMENTS ON GRADE LEVEL; ~~AND~~

17 (III) FOR SUMMER ENHANCEMENT PROGRAMS:

18 1. PROVIDE LEARNING AND ENRICHMENT ACTIVITIES
19 THAT WILL ASSIST STUDENTS IN ACHIEVING AT OR ABOVE GRADE LEVEL IN THE
20 NEXT SCHOOL YEAR; AND

21 2. EXPOSE STUDENTS TO FUTURE LEARNING AND LIFE
22 OPPORTUNITIES; AND

23 (IV) FOR EDUCATIONAL PROGRAMMING DURING THE SCHOOL
24 DAY, ENHANCE:

25 1. THE EDUCATIONAL PURPOSE OF THE SCHOOL; OR

26 2. STUDENTS' ACCESS TO PHYSICAL, SOCIAL, AND
27 EMOTIONAL SUPPORT.

28 (2) THE DEPARTMENT SHALL GIVE PRIORITY TO APPLICATIONS THAT
29 ILLUSTRATE THE ABILITY TO LEVERAGE PRIVATE AND EXISTING FUNDING SOURCES.

30 (F) (1) A GRANTEE THAT RECEIVES A GRANT UNDER ~~THIS SUBTITLE~~
31 SUBSECTION (C)(1) OF THIS SECTION SHALL:

1 ~~(I) PROVIDE EXTENDED SCHOOL DAY AND SUMMER~~
2 ~~ENHANCEMENT PROGRAMS; AND~~

3 ~~(H) ENSURE~~ ENSURE THAT AN EXTENDED SCHOOL DAY OR
4 SUMMER ENHANCEMENT PROGRAM INCLUDES AN EDUCATIONAL COMPONENT.

5 (2) A GRANTEE THAT RECEIVES A GRANT UNDER THIS SUBTITLE
6 SHALL PROVIDE EDUCATIONAL PROGRAMS THAT ARE ALIGNED WITH THE
7 MARYLAND COLLEGE AND CAREER-READY STANDARDS.

8 (G) A LOCAL ~~EDUCATION AGENCY~~ SCHOOL SYSTEM THAT RECEIVES A
9 GRANT UNDER THIS SUBTITLE SHALL PROVIDE MATCHING FUNDS THAT ARE AT
10 LEAST EQUAL TO THE AMOUNT OF THE GRANT AWARDED.

11 (H) IF A GRANTEE PARTNERS WITH AN ENTITY LISTED IN SUBSECTION
12 (C)(1)(III) OF THIS SECTION, THE DEPARTMENT SHALL ENSURE THAT THE GRANTEE
13 ADMINISTERS ANY GRANTS AWARDED IN ACCORDANCE WITH THIS SUBTITLE.

14 7-1704.

15 FOR FISCAL YEARS 2018 THROUGH 2021, THE GOVERNOR SHALL INCLUDE
16 ~~\$10,000,000~~ \$7,500,000 ANNUALLY IN THE STATE BUDGET FOR THE PROGRAM, ~~25%~~
17 ~~OF WHICH SHALL BE MADE AVAILABLE FOR CAPITAL PURPOSES.~~

18 7-1705.

19 ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE DEPARTMENT SHALL
20 REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE
21 STATE GOVERNMENT ARTICLE, ON THE IMPLEMENTATION OF THE PROGRAM,
22 INCLUDING AN EVALUATION OF THE EFFECTIVENESS OF THE ~~EXTENDED DAY AND~~
23 ~~SUMMER ENHANCEMENT PROGRAMS~~ AND SERVICES FUNDED IN ACCORDANCE WITH
24 THIS SUBTITLE.

25 7-1706.

26 THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THE
27 PROVISIONS OF THIS SUBTITLE.

28 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
29 1, 2016.