

HOUSE BILL 1402

F1, O4

6lr1656
CF SB 1125

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**

Introduced and read first time: February 12, 2016

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2016

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
13 Grant in the Program; requiring the Department to administer the grant program
14 and establish certain policies for the administration of the grant program;
15 authorizing the Department to award certain grants to certain local ~~education~~
16 ~~agencies~~ school systems, certain community schools, and certain nonprofit
17 organizations to expand or create extended day and summer enhancement programs
18 ~~or~~, to establish certain new partnerships, or to expand or support certain educational
19 programming during the school day; encouraging certain public schools to partner
20 with certain nonprofit organizations to extend certain day and summer enhancement
21 programs; providing for the qualification for a certain grant; providing for the
22 allocation of a certain grant; providing that certain applications shall receive

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 priority; requiring the Department to ensure that certain grantees will administer a
 2 certain grant under certain circumstances; requiring the Governor to provide a
 3 certain annual appropriation in the State budget for certain fiscal years; requiring
 4 grantees to provide certain programs and ensure that certain programs contain an
 5 educational component; requiring that certain educational programs are aligned
 6 with certain standards; requiring certain grantees to provide certain matching
 7 funds; requiring the Department to make a certain annual report on or before a
 8 certain date; requiring the Department to adopt certain regulations; defining certain
 9 terms; and generally relating to the ~~Maryland Extended Day and Summer~~
 10 ~~Enhancement Programs~~ Public School Opportunities Enhancement Act.

11 BY repealing
 12 Article – Human Services
 13 Section 8–1101 through 8–1107 and the subtitle “Subtitle 11. Maryland After–School
 14 and Summer Opportunity Fund Program”
 15 Annotated Code of Maryland
 16 (2007 Volume and 2015 Supplement)

17 BY adding to
 18 Article – Education
 19 Section 7–1701 through 7–1706 to be under the new subtitle “Subtitle 17. ~~Maryland~~
 20 ~~Extended Day and Summer~~ Public School Opportunities Enhancement
 21 Program”
 22 Annotated Code of Maryland
 23 (2014 Replacement Volume and 2015 Supplement)

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

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

30 **Article – Education**

31 **~~SUBTITLE 17. MARYLAND EXTENDED DAY AND SUMMER ENHANCEMENT~~**
 32 **~~PROGRAM~~ PUBLIC SCHOOL OPPORTUNITIES ENHANCEMENT PROGRAM.**

33 **7–1701.**

34 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
 35 **INDICATED.**

1 **(B) “COMMUNITY SCHOOL” MEANS AN EXISTING PUBLIC SCHOOL IN THE**
 2 **STATE THAT UTILIZES A COMMUNITY SCHOOL STRATEGY THAT IS RECOGNIZED BY**
 3 **THE MARYLAND OUT OF SCHOOL TIME NETWORK.**

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

8 **(1) BEFORE AND AFTER THE SCHOOL DAY;**

9 **(2) ON WEEKENDS AND HOLIDAYS; AND**

10 **(3) DURING VACATIONS AND SUMMER BREAKS.**

11 ~~(C)~~ **(D) “GRANTEE” MEANS A LOCAL EDUCATION AGENCY SCHOOL**
 12 **SYSTEM OR, A COMMUNITY SCHOOL, OR A NONPROFIT ORGANIZATION THAT**
 13 **RECEIVES A MARYLAND EXTENDED DAY AND SUMMER PUBLIC SCHOOL**
 14 **OPPORTUNITIES ENHANCEMENT GRANT FROM THE DEPARTMENT.**

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

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

19 ~~(F)~~ **(G) “TECHNICAL ASSISTANCE” MEANS ASSISTANCE PROVIDED BY THE**
 20 **DEPARTMENT TO:**

21 **(1) IDENTIFY AND IMPLEMENT EFFECTIVE PRACTICES FOR**
 22 **EXTENDED DAY AND SUMMER ENHANCEMENT PROGRAMS;**

23 **(2) ENSURE THAT EXTENDED DAY AND SUMMER ENHANCEMENT**
 24 **PROGRAMS COMPLY WITH THE MARYLAND OUT-OF-SCHOOL TIME PROGRAMS’**
 25 **QUALITY STANDARDS FRAMEWORK; AND**

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

29 **7-1702.**

30 **(A) THERE IS A MARYLAND EXTENDED DAY AND SUMMER PUBLIC SCHOOL**
 31 **OPPORTUNITIES ENHANCEMENT PROGRAM.**

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

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

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

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

11 **1. LEVERAGING PUBLIC AND PRIVATE FUNDING**
12 **SOURCES AS WELL AS FEDERAL FUNDING SOURCES TO SUPPORT EXTENDED DAY**
13 **AND SUMMER ENHANCEMENT PROGRAMS;**

14 **2. THE SPECIAL NEEDS OF CHILDREN WITH**
15 **DISABILITIES;**

16 **3. USING SCHOOL BUILDINGS, PUBLIC LIBRARIES, AND**
17 **LOCAL PUBLIC TRANSPORTATION RESOURCES FOR EXTENDED DAY AND SUMMER**
18 **ENHANCEMENT PROGRAMS;**

19 **4. PROVIDING TECHNICAL ASSISTANCE TO NONPROFIT**
20 **ORGANIZATIONS;**

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

23 **6. INTEGRATING THE PLANS DEVELOPED BY LOCAL**
24 **JURISDICTIONS TO EXPAND THE NUMBER OF HIGH QUALITY EXTENDED DAY AND**
25 **SUMMER ENHANCEMENT PROGRAMS.**

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

30 **(D) (1) THE DEPARTMENT SHALL USE THE MARYLAND OUT-OF-SCHOOL**
31 **TIME PROGRAMS' QUALITY STANDARDS FRAMEWORK TO MONITOR AND ASSESS**
32 **THE QUALITY OF THE EXTENDED DAY AND SUMMER ENHANCEMENT PROGRAMS**

1 PROVIDED BY NONPROFIT ORGANIZATIONS THAT RECEIVE FUNDING IN
2 ACCORDANCE WITH THIS SUBTITLE.

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

6 7-1703.

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

9 (B) (1) THE DEPARTMENT SHALL DEVELOP AND ADMINISTER THE GRANT
10 PROGRAM TO ASSIST ~~LOCAL EDUCATION AGENCIES:~~

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

14 (II) NONPROFIT ORGANIZATIONS IN THE STATE AND
15 COMMUNITY SCHOOLS IN EXPANDING OR SUPPORTING EXISTING EDUCATIONAL
16 PROGRAMMING DURING THE SCHOOL DAY.

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

19 ~~(I)~~ 1. THE GRANT APPLICATION PROCESS; AND

20 ~~(II)~~ 2. CRITERIA FOR AWARDING GRANTS UNDER THIS
21 SUBTITLE.

22 (II) WHEN AWARDING GRANTS TO NONPROFIT ORGANIZATIONS,
23 THE DEPARTMENT SHALL GIVE PRIORITY TO MARYLAND-BASED NONPROFIT
24 ORGANIZATIONS.

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

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

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

31 OR

1 (III) ESTABLISH NEW EDUCATIONAL OR RECREATIONAL
2 PARTNERSHIPS WITH:

- 3 1. LOCAL PARKS AND RECREATION DEPARTMENTS;
- 4 2. RECREATION COUNCILS;
- 5 3. LOCAL PUBLIC SCHOOLS;
- 6 4. PUBLIC LIBRARIES;
- 7 5. INSTITUTIONS OF HIGHER EDUCATION;
- 8 6. PRIVATE SECTOR BUSINESSES; AND
- 9 7. OTHER NONPROFIT ORGANIZATIONS AND
10 FOUNDATIONS.

11 (2) A NONPROFIT ORGANIZATION MAY APPLY TO THE DEPARTMENT
12 FOR A GRANT TO SUPPORT EXISTING EDUCATIONAL PROGRAMMING DURING THE
13 SCHOOL DAY.

14 ~~(2)~~ (3) A PUBLIC SCHOOL IS ENCOURAGED TO PARTNER WITH
15 NONPROFIT ORGANIZATIONS TO PROVIDE EXTENDED SCHOOL DAY AND SUMMER
16 ENHANCEMENT PROGRAMS FOR THEIR STUDENTS.

17 (D) (1) TO QUALIFY FOR A GRANT AWARDED IN ACCORDANCE WITH THIS
18 SUBTITLE, A GRANTEE SHALL PROVIDE ~~EXTENDED DAY AND SUMMER~~
19 ~~ENHANCEMENT PROGRAMS~~ THE SERVICES LISTED IN SUBSECTION (C) OF THIS
20 SECTION IN A COUNTY IN WHICH AT LEAST 50% OF PUBLIC SCHOOL STUDENTS AS A
21 PERCENTAGE OF FULL-TIME EQUIVALENT STUDENTS AS DEFINED IN § 5-202 OF
22 THIS ARTICLE QUALIFY FOR A FREE LUNCH UNDER THE NATIONAL SCHOOL LUNCH
23 PROGRAM.

24 (2) THE TOTAL AMOUNT OF GRANTS AWARDED SHALL BE ALLOCATED
25 TO GRANTEES PROPORTIONALLY BASED ON THE NUMBER OF PUBLIC SCHOOLS IN
26 EACH COUNTY THAT MEET THE ELIGIBILITY REQUIREMENT IN PARAGRAPH (1) OF
27 THIS SUBSECTION.

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

29 (I) BEST INCORPORATE FEATURES THAT WILL HAVE A
30 POSITIVE MEASURABLE IMPACT ON THE CONDITIONS OF WELL-BEING FOR

1 CHILDREN AND YOUTH AS IDENTIFIED BY THE MARYLAND OUT-OF-SCHOOL TIME
2 PROGRAMS' QUALITY STANDARDS FRAMEWORK;

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

6 (III) FOR SUMMER ENHANCEMENT PROGRAMS:

7 1. PROVIDE LEARNING AND ENRICHMENT ACTIVITIES
8 THAT WILL ASSIST STUDENTS IN ACHIEVING AT OR ABOVE GRADE LEVEL IN THE
9 NEXT SCHOOL YEAR; AND

10 2. EXPOSE STUDENTS TO FUTURE LEARNING AND LIFE
11 OPPORTUNITIES; AND

12 (IV) FOR EDUCATIONAL PROGRAMMING DURING THE SCHOOL
13 DAY, ENHANCE:

14 1. THE EDUCATIONAL PURPOSE OF THE SCHOOL; OR

15 2. STUDENTS' ACCESS TO PHYSICAL, SOCIAL, AND
16 EMOTIONAL SUPPORT.

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

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

21 ~~(I) PROVIDE EXTENDED SCHOOL DAY AND SUMMER~~
22 ~~ENHANCEMENT PROGRAMS; AND~~

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

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

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

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

4 7-1704.

5 FOR FISCAL YEARS 2018 THROUGH 2021, THE GOVERNOR SHALL INCLUDE
 6 ~~\$10,000,000~~ \$7,500,000 ANNUALLY IN THE STATE BUDGET FOR THE PROGRAM, ~~25%~~
 7 ~~OF WHICH SHALL BE MADE AVAILABLE FOR CAPITAL PURPOSES.~~

8 7-1705.

9 ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE DEPARTMENT SHALL
 10 REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE
 11 STATE GOVERNMENT ARTICLE, ON THE IMPLEMENTATION OF THE PROGRAM,
 12 INCLUDING AN EVALUATION OF THE EFFECTIVENESS OF THE ~~EXTENDED DAY AND~~
 13 ~~SUMMER ENHANCEMENT PROGRAMS~~ AND SERVICES FUNDED IN ACCORDANCE WITH
 14 THIS SUBTITLE.

15 7-1706.

16 THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THE
 17 PROVISIONS OF THIS SUBTITLE.

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 19 1, 2016.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.