

HOUSE BILL 6

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1999 Regular Session
9lr0704

(PRE-FILED)

By: **Delegates Shriver, Taylor, Hixson, Arnick, Busch, Dewberry, Doory,
Guns, Harrison, Howard, Hurson, Kopp, Menes, Montague, Owings,
Rawlings, Rosenberg, Vallario, and Wood**

Requested: November 20, 1998

Introduced and read first time: January 13, 1999

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Maryland After-School Opportunity Act**

3 FOR the purpose of providing for the Maryland After-School Opportunity Act;
4 creating the Maryland After-School Opportunity Fund; requiring the Governor
5 to include certain amounts in the annual State budget for the Fund; requiring
6 the Department of Education to administer the Fund, adopt certain regulations
7 and standards governing the Maryland After-School Opportunity Fund
8 Program, and select a certain intermediary to make grants from the Fund to
9 certain applicants; requiring the intermediary to use certain criteria in selecting
10 grant recipients and to provide certain assistance to after-school programs; and
11 generally relating to the establishment of the Maryland After-School
12 Opportunity Act and the creation of the Maryland After-School Opportunity
13 Fund to assist parents in providing after-school care for children in the State.

14 BY adding to
15 Article - Education
16 Section 7-1101 through 7-1109 to be under the new subtitle "Subtitle 11.
17 Maryland After-School Opportunity Fund Program"
18 Annotated Code of Maryland
19 (1997 Replacement Volume and 1998 Supplement)

20 Preamble

21 WHEREAS, Maryland has the opportunity to rise to the forefront of the nation
22 by fully investing in a well designed system of after-school opportunities for its youth;
23 and

24 WHEREAS, All children in the State should have the opportunity to engage in
25 productive, supervised activity when not in school; and

1 WHEREAS, Eighty percent of school children across the nation need
2 nonparental supervision because their parents work and at least one-third of these
3 students are left unsupervised; and

4 WHEREAS, Almost half of juvenile crime takes place between 2 p.m. and 8 p.m.
5 each day and the after-school hours also are the most frequent time when students
6 are victims of crime and accidents; and

7 WHEREAS, Many parents need advice and financial assistance if they are to
8 locate and afford quality after-school programs; and

9 WHEREAS, A State fund of \$10 million in fiscal year 2001 can largely address
10 the problem of children who are unsupervised after school in Maryland; and

11 WHEREAS, Some local governments need time to make effective plans to invest
12 State funding for after-school programs and may benefit from training grants; and

13 WHEREAS, The long-term financial viability of after-school programs depends
14 on continued State investment, combined with local, private, and parental support;
15 now, therefore,

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

18 **Article - Education**

19 **SUBTITLE 11. MARYLAND AFTER-SCHOOL OPPORTUNITY FUND PROGRAM.**

20 7-1101.

21 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
22 INDICATED.

23 (B) (1) "AFTER-SCHOOL" MEANS ANY TIME THAT A CHILD SPENDS OUT OF
24 SCHOOL.

25 (2) "AFTER-SCHOOL" INCLUDES:

26 (I) BEFORE SCHOOL STARTS EACH DAY AND AFTER SCHOOL ENDS
27 EACH DAY;

28 (II) WEEKENDS;

29 (III) HOLIDAYS;

30 (IV) VACATIONS; AND

31 (V) SUMMER BREAK.

32 (C) (1) "FUND" MEANS THE MARYLAND AFTER-SCHOOL OPPORTUNITY
33 FUND.

1 (2) "FUND" DOES NOT INCLUDE MONEY PROVIDED UNDER THE
2 PURCHASE OF CHILD CARE PROGRAM ADMINISTERED BY THE CHILD CARE
3 ADMINISTRATION OF THE DEPARTMENT OF HUMAN RESOURCES.

4 (D) "INFRASTRUCTURE ISSUES" INCLUDES EXPANDING THE USE OF EXISTING
5 PUBLIC BUILDINGS AND TRANSPORTATION SYSTEMS.

6 (E) "INTERMEDIARY" MEANS A GOVERNMENTAL OR NONGOVERNMENTAL
7 ENTITY SELECTED BY THE DEPARTMENT.

8 (F) "PROGRAM" MEANS THE MARYLAND AFTER-SCHOOL OPPORTUNITY FUND
9 PROGRAM.

10 (G) "TECHNICAL ASSISTANCE" INCLUDES ASSISTANCE IN THE
11 IDENTIFICATION AND IMPLEMENTATION OF EFFECTIVE PRACTICES FOR
12 AFTER-SCHOOL PROGRAMS.

13 7-1102.

14 THERE IS A MARYLAND AFTER-SCHOOL OPPORTUNITY FUND PROGRAM.

15 7-1103.

16 (A) THE PROGRAM SHALL BE ADMINISTERED BY THE DEPARTMENT IN
17 CONSULTATION WITH AN ADVISORY COMMITTEE.

18 (B) THE ADVISORY COMMITTEE SHALL CONSIST OF 15 INDIVIDUALS
19 DETERMINED AS FOLLOWS:

20 (1) THE PRESIDENT OF THE SENATE OF MARYLAND OR THE
21 PRESIDENT'S DESIGNEE;

22 (2) THE SPEAKER OF THE HOUSE OF DELEGATES OF MARYLAND OR THE
23 SPEAKER'S DESIGNEE;

24 (3) THE SECRETARIES OF EDUCATION, JUVENILE JUSTICE, AND HUMAN
25 RESOURCES OR THEIR DESIGNEES;

26 (4) ONE REPRESENTATIVE OF THE OFFICE OF CHILDREN, YOUTH, AND
27 FAMILIES DESIGNATED BY THE GOVERNOR;

28 (5) ONE REPRESENTATIVE OF THE OFFICE OF CRIME CONTROL AND
29 PREVENTION DESIGNATED BY THE GOVERNOR; AND

30 (6) EIGHT INDIVIDUALS SERVING 2-YEAR TERMS, TO BE APPOINTED BY
31 THE GOVERNOR, AS FOLLOWS:

32 (I) TWO MEMBERS WHO REPRESENT THE CHILDREN'S ADVOCACY
33 COMMUNITY AND ARE NOT EMPLOYED BY AN ORGANIZATION THAT IS OR MAY BE A
34 RECIPIENT OF MONEY FROM THE FUND;

1 (II) TWO MEMBERS WHO REPRESENT THE INTERESTS OF THE
2 AFTER-SCHOOL PROVIDER COMMUNITY;

3 (III) TWO MEMBERS WHO ARE PARENTS OF STUDENTS ENROLLED
4 IN THE STATE IN KINDERGARTEN THROUGH GRADE 12; AND

5 (IV) TWO MEMBERS WHO ARE STUDENTS ENROLLED IN THE STATE
6 IN GRADES 6 THROUGH 12.

7 (C) THE ADVISORY COMMITTEE SHALL SELECT A CHAIR TO SERVE FOR A
8 TERM OF 2 YEARS.

9 7-1104.

10 THE DEPARTMENT SHALL ADOPT AND ENFORCE MANDATORY LICENSING
11 REGULATIONS GOVERNING THE PROGRAM THAT:

12 (1) ARE DEVELOPMENTALLY APPROPRIATE;

13 (2) ENSURE THE BASIC HEALTH AND SAFETY OF CHILDREN
14 PARTICIPATING IN AN AFTER-SCHOOL PROGRAM; AND

15 (3) ARE BASED ON THE CHILD CARE LICENSING STANDARDS
16 ESTABLISHED BY THE DEPARTMENT OF HUMAN RESOURCES BY REGULATION
17 UNDER TITLE 7, SUBTITLE 4 OF COMAR.

18 7-1105.

19 (A) THE DEPARTMENT SHALL ADMINISTER THE FUND.

20 (B) (1) THE DEPARTMENT SHALL ISSUE A REQUEST FOR PROPOSALS FOR AN
21 INTERMEDIARY.

22 (2) IN SELECTING THE INTERMEDIARY, THE DEPARTMENT SHALL
23 CONSIDER THE FOLLOWING CRITERIA:

24 (I) THE PRIOR EXPERIENCE OF THE APPLICANT IN THE
25 PROMOTION OF EFFECTIVE AFTER-SCHOOL PROGRAMS;

26 (II) THE PRIOR EXPERIENCE OF THE APPLICANT IN RAISING FUNDS
27 FROM NONGOVERNMENTAL SOURCES; AND

28 (III) THE AMOUNT OF MONEY THE APPLICANT SEEKS TO PERFORM
29 ITS FUNCTIONS.

30 (3) IN PREPARING THE REQUEST FOR PROPOSAL AND SELECTING THE
31 INTERMEDIARY, THE DEPARTMENT SHALL ACT IN CONSULTATION WITH THE
32 ADVISORY COMMITTEE.

33 (4) THE DEPARTMENT SHALL PREPARE AND PUBLISH AN ANNUAL
34 EVALUATION OF THE PROGRAM, THE EFFECTIVENESS OF THE INTERMEDIARY, THE

1 QUALITY OF PROPOSALS FUNDED BY THE INTERMEDIARY, AND THE EVIDENCE OF
2 IMPACT OF AFTER-SCHOOL PROGRAMS FUNDED THROUGH GRANTS AWARDED BY
3 THE INTERMEDIARY.

4 (C) (1) EACH FISCAL YEAR, IN CONJUNCTION WITH THE DEPARTMENT AND
5 SUBJECT TO THE AVAILABILITY OF MONEY IN THE FUND, THE INTERMEDIARY SHALL
6 ISSUE A REQUEST FOR PROPOSALS UNDER THE STATE PROCUREMENT LAW
7 SOLICITING BIDS FOR A GRANT FROM THE FUND.

8 (2) IN ANY FISCAL YEAR, THE INTERMEDIARY:

9 (I) MAY NOT AWARD A GRANT TO MORE THAN ONE PROPOSAL IN
10 EACH COUNTY;

11 (II) MAY NOT AWARD A GRANT FOR A COUNTY THAT EXCEEDS 25%
12 OF THE MONEY DISTRIBUTED IN THAT FISCAL YEAR;

13 (III) SHALL ENSURE THAT AT LEAST 85% OF EACH GRANT WILL BE
14 USED SOLELY FOR AFTER-SCHOOL PROGRAMS IN THE COUNTY AND NO MORE THAN
15 15% OF THE GRANT WILL BE USED FOR TECHNICAL ASSISTANCE OR
16 INFRASTRUCTURE; AND

17 (IV) MUST IDENTIFY AND ENSURE THAT A RESPONSIBLE
18 ORGANIZATION WILL ADMINISTER THE GRANT.

19 (D) IN SELECTING AN ORGANIZATION TO ADMINISTER A GRANT FROM THE
20 FUND, THE INTERMEDIARY SHALL SELECT THE RESPONSIVE AND RESPONSIBLE
21 BIDDER WHOSE APPLICATION BEST INCORPORATES FEATURES THAT:

22 (1) INVOLVE A BROAD-BASED ASSORTMENT OF PUBLIC AND PRIVATE
23 ORGANIZATIONS;

24 (2) USE SCHOOL BUILDINGS FOR AFTER-SCHOOL PROGRAMS WHERE
25 POSSIBLE;

26 (3) USE LOCAL PUBLIC TRANSPORTATION RESOURCES TO SUPPORT
27 AFTER-SCHOOL PROGRAMS WHERE POSSIBLE;

28 (4) COORDINATE THE GRANT FROM THE FUND WITH MONEY FROM THE
29 COUNTY AND PRIVATE SOURCES FOR AFTER-SCHOOL PROGRAMS;

30 (5) INCREASE THE NUMBER OF STUDENTS WHO PARTICIPATE IN
31 AFTER-SCHOOL PROGRAMS WHERE POSSIBLE;

32 (6) ADHERE TO THE LICENSING REGULATIONS ADOPTED BY THE
33 DEPARTMENT UNDER § 7-1104 OF THIS SUBTITLE;

34 (7) ADHERE TO THE STANDARDS OF QUALITY ESTABLISHED BY THE
35 INTERMEDIARY UNDER § 7-1107 OF THIS SUBTITLE;

1 (8) ALLOW FOR AN ANNUAL EVALUATION BY THE DEPARTMENT OF THE
2 ORGANIZATION'S AFTER-SCHOOL PROGRAM;

3 (9) INCORPORATE A SLIDING SCALE OF FEES THAT AFFORDS
4 SUBSTANTIAL FINANCIAL RELIEF TO PARENTS BASED ON INCOME; AND

5 (10) DEMONSTRATE ABILITY TO PROVIDE TECHNICAL ASSISTANCE TO
6 AFTER-SCHOOL PROGRAMS.

7 (E) THE INTERMEDIARY MAY CONSIDER A REQUEST TO EXTEND FUNDING
8 FOR A PROGRAM BEYOND ITS INITIAL YEAR, SUBJECT TO:

9 (1) THE AVAILABILITY OF MONEY IN THE FUND; AND

10 (2) THE DEMONSTRATED SUCCESS OF THE GRANT RECIPIENT IN
11 PROVIDING A HIGH QUALITY AFTER-SCHOOL PROGRAM TO AS MANY CHILDREN AS
12 PRACTICABLE.

13 (F) THE INTERMEDIARY MAY AWARD A PLANNING GRANT FROM THE FUND TO
14 ASSIST AN ORGANIZATION IN A COUNTY TO PREPARE AN APPLICATION FOR A GRANT
15 FOR THE NEXT FISCAL YEAR.

16 (G) THE INTERMEDIARY SHALL USE UP TO 15% OF THE FUND TO PROVIDE
17 TECHNICAL ASSISTANCE TO AFTER-SCHOOL PROGRAMS, EITHER DIRECTLY OR BY
18 FUNDING ORGANIZATIONS SELECTED THROUGH A COMPETITIVE PROCESS.

19 7-1106.

20 THE GOVERNOR SHALL INCLUDE MONEY IN THE STATE BUDGET FOR THE
21 MARYLAND AFTER-SCHOOL OPPORTUNITY FUND PROGRAM.

22 7-1107.

23 THE INTERMEDIARY SHALL DEVELOP STANDARDS OF QUALITY THAT ARE
24 POLICIES AND PRACTICES THAT:

25 (1) INCLUDE THE BASIC HEALTH AND SAFETY REQUIREMENTS
26 SPECIFIED UNDER THE LICENSING REGULATIONS ESTABLISHED UNDER § 7-1104 OF
27 THIS SUBTITLE;

28 (2) WHEN IMPLEMENTED PROPERLY, WILL SUCCESSFULLY
29 ACCOMPLISH ONE OR MORE OF THE FOLLOWING GOALS:

30 (I) IMPROVE ABILITY TO READ OR DO MATH AT GRADE LEVEL;

31 (II) DEVELOP SKILLS AND KNOWLEDGE NOT OTHERWISE
32 DEVELOPED DURING THE REGULAR SCHOOL DAY; AND

33 (III) REDUCE DELINQUENT BEHAVIOR, INCLUDING USE OF ILLEGAL
34 DRUGS, ALCOHOL, OR TOBACCO, CRIMINAL ACTIVITY, AND UNPROTECTED SEXUAL
35 ACTIVITY;

- 1 (3) ENSURE COMPETENT, QUALIFIED, AND WELL TRAINED STAFF;
- 2 (4) INCLUDE ACTIVITIES THAT ARE DEVELOPMENTALLY APPROPRIATE
3 FOR CHILDREN OF ELEMENTARY SCHOOL, MIDDLE SCHOOL, AND HIGH SCHOOL AGE;
- 4 (5) INCLUDE PARENTAL INVOLVEMENT;
- 5 (6) INCLUDE EVALUATION AND RECORD KEEPING REQUIREMENTS; AND
- 6 (7) ARE UNIFORM THROUGHOUT THE STATE, EXCEPT THAT A COUNTY
7 MAY DEVELOP AND USE LOCAL STANDARDS OF QUALITY THAT MEET OR EXCEED
8 THE STANDARDS OF QUALITY ESTABLISHED BY THE DEPARTMENT.

9 7-1108.

10 SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE DEPARTMENT
11 SHALL REPORT BY DECEMBER 31 OF EACH YEAR TO THE GENERAL ASSEMBLY ON
12 THE IMPLEMENTATION OF THE PROGRAM.

13 7-1109.

14 THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THE
15 PROVISIONS OF THIS SUBTITLE.

16 SECTION 2. AND BE IT FURTHER ENACTED, That the Governor shall
17 include \$10 million in the fiscal year 2001 State budget for the Maryland
18 After-School Opportunity Fund established under this Act.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 1999.