

HOUSE BILL 187

Unofficial Copy
F1

1999 Regular Session
(9lr0215)

ENROLLED BILL

-- *Ways and Means/Economic and Environmental Affairs* --

Introduced by **The Speaker (Administration) and Delegates Heller, Barkley, Bobo, Busch, Cadden, Clagett, Cryor, Franchot, Hecht, Hixson, McIntosh, Petzold, Pitkin, Riley, Rosenberg, Rudolph, Shriver, Turner, and Wood Wood, D'Amato, Bartlett, Bozman, Carlson, Conroy, Finifter, Healey, Howard, Linton, McKee, Patterson, Rzepkowski, Rosso, C. Davis, and Hurson Hurson, Zirkin, Dewberry, Kopp, Morhaim, R. Baker, Marriott, Barve, Minnick, Montague, Doory, Malone, Benson, DeCarlo, Ports, Menes, Hubbard, O'Donnell, Stull, Grosfeld, Nathan-Pulliam, Cane, Kach, Klausmeier, Moe, Bronrott, Mohorovic, Giannetti, Valderrama, Paige, Swain, Frush, McHale, Phillips, A. Jones, Dypski, Mandel, Griffith, Stocksdale, Kirk, Hubers, Oaks, Patterson, Goldwater, La Vay, Hammen, Pendergrass, Boschert, Sher, Brown, Amedori, Hill, Kagan, and Dembrow**

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 **Maryland Learning Success Program - Public School Class Size Reduction**
3 **Assistance**

4 FOR the purpose of establishing the Maryland Learning Success Program; requiring
5 local education agencies to submit certain plans and reports to the State

1 Superintendent of Education; requiring the State Superintendent of Education
 2 to make certain grants to local education agencies; providing the conditions for
 3 awarding Maryland Learning Success Program grants; prohibiting a certain
 4 grant to a local education agency under certain circumstances; providing for
 5 certain reporting; defining certain terms; requiring the Governor to include
 6 funding in the budget to accomplish the purposes of this Act; and generally
 7 relating to grants for class size reduction assistance.

8 BY adding to
 9 Article - Education
 10 Section 5-212
 11 Annotated Code of Maryland
 12 (1997 Replacement Volume and 1998 Supplement)

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

15 **Article - Education**

16 5-212.

17 (A) (1) IN THIS SECTION THE FOLLOWING TERMS HAVE THE MEANINGS
 18 INDICATED.

19 (2) "FTE TEACHER AMOUNT" MEANS FOR EACH LOCAL EDUCATION
 20 AGENCY, THE GREATER OF:

21 (I) 130% OF THE STANDARD SALARY FOR A 10-MONTH, FIRST-YEAR
 22 TEACHER WITH A BACHELOR'S DEGREE IN THE YEAR PRECEDING THE YEAR FOR
 23 WHICH FUNDS ARE PROVIDED IN THAT LOCAL EDUCATION AGENCY; OR

24 (II) \$39,000.

25 (3) "READING FACTOR" MEANS THE TOTAL ENROLLMENT IN FIRST
 26 GRADE AND SECOND GRADE ON SEPTEMBER 30 OF THE PREVIOUS FISCAL YEAR.

27 (4) ~~"MATHEMATICS FACTOR" MEANS THE NUMBER OF MIDDLE SCHOOLS~~
 28 ~~AND HIGH SCHOOLS IN A LOCAL EDUCATION AGENCY WITH A SEVENTH GRADE.~~

29 (5) "PROFESSIONAL DEVELOPMENT, MATERIALS, AND FACILITIES
 30 COMPONENT" MEANS AN AMOUNT INTENDED TO COVER COSTS ASSOCIATED WITH
 31 CLASS SIZE REDUCTION EXPENSES OTHER THAN PERSONNEL COSTS.

32 (B) THERE IS A MARYLAND LEARNING SUCCESS PROGRAM.

33 (C) THE PURPOSE OF THE MARYLAND LEARNING SUCCESS PROGRAM IS TO
 34 PROVIDE GRANTS THAT WILL ASSIST LOCAL EDUCATION AGENCIES TO REDUCE
 35 CLASS SIZES FOR READING INSTRUCTION IN THE FIRST AND SECOND GRADES ~~AND~~
 36 ~~MATHEMATICS INSTRUCTION IN THE SEVENTH GRADE.~~

1 (D) (1) THE MAXIMUM MARYLAND LEARNING SUCCESS PROGRAM GRANT TO
2 EACH LOCAL EDUCATION AGENCY SHALL CONSIST OF:

3 (I) A READING COMPONENT; AND

4 (II) ~~A MATHEMATICS COMPONENT; AND~~

5 ~~(III)~~ FOR FISCAL YEARS 2001, 2002, AND 2003 ONLY, A PROFESSIONAL
6 DEVELOPMENT, MATERIALS, AND FACILITIES COMPONENT.

7 (2) FOR FISCAL YEAR 2003 AND EACH SUBSEQUENT FISCAL YEAR, THE
8 AMOUNT OF THE MAXIMUM MARYLAND LEARNING SUCCESS PROGRAM GRANT
9 SHALL BE REDUCED 5 PERCENT FOR EACH ~~5~~ 1 PERCENT BY WHICH THE
10 PERCENTAGE OF TOTAL TEACHERS IN THE LOCAL EDUCATION AGENCY WHO ARE
11 PROVISIONALLY CERTIFIED EXCEEDS 2 PERCENT AS OF DECEMBER 1 OF THE
12 PREVIOUS FISCAL YEAR.

13 (3) THE READING COMPONENT SHALL BE CALCULATED AS FOLLOWS:

14 (I) FOR FISCAL YEAR 2001, BY DIVIDING THE READING FACTOR
15 FOR THE LOCAL EDUCATION AGENCY BY ~~450~~ 750 AND MULTIPLYING THE RESULT BY
16 THE FTE TEACHER AMOUNT FOR THE LOCAL EDUCATION AGENCY;

17 (II) FOR FISCAL YEAR 2002, BY DIVIDING THE READING FACTOR
18 FOR THE LOCAL EDUCATION AGENCY BY ~~300~~ 375 AND MULTIPLYING THE RESULT BY
19 THE FTE TEACHER AMOUNT FOR THE LOCAL EDUCATION AGENCY; ~~AND~~

20 (III) FOR FISCAL YEAR 2003 ~~AND EACH SUCCEEDING FISCAL YEAR,~~
21 BY DIVIDING THE READING FACTOR FOR THE LOCAL EDUCATION AGENCY BY ~~450~~ 250
22 AND MULTIPLYING THE RESULT BY THE FTE TEACHER AMOUNT FOR THE LOCAL
23 EDUCATION AGENCY;

24 (IV) FOR FISCAL YEAR 2004, BY DIVIDING THE READING FACTOR
25 FOR THE LOCAL EDUCATION AGENCY BY 185 AND MULTIPLYING THE RESULT BY THE
26 FTE TEACHER AMOUNT FOR THE LOCAL EDUCATION AGENCY; AND

27 (V) FOR FISCAL YEAR 2005 AND EACH SUCCEEDING FISCAL YEAR,
28 BY DIVIDING THE READING FACTOR FOR THE LOCAL EDUCATION AGENCY BY 150 AND
29 MULTIPLYING THE RESULT BY THE FTE TEACHER AMOUNT FOR THE LOCAL
30 EDUCATION AGENCY.

31 (4) ~~THE MATHEMATICS COMPONENT SHALL BE CALCULATED AS~~
32 ~~FOLLOWS:~~

33 ~~(I) FOR FISCAL YEAR 2001, BY MULTIPLYING THE MATHEMATICS~~
34 ~~FACTOR FOR THE LOCAL EDUCATION AGENCY BY ONE-THIRD OF THE FTE TEACHER~~
35 ~~AMOUNT FOR THE LOCAL EDUCATION AGENCY;~~

1 ~~(II)~~ FOR FISCAL YEAR 2002, BY MULTIPLYING THE MATHEMATICS
2 FACTOR FOR THE LOCAL EDUCATION AGENCY BY TWO-THIRDS OF THE FTE TEACHER
3 AMOUNT FOR THE LOCAL EDUCATION AGENCY; AND

4 ~~(III)~~ FOR FISCAL YEAR 2003 AND EACH SUCCEEDING FISCAL YEAR,
5 BY MULTIPLYING THE MATHEMATICS FACTOR FOR THE LOCAL EDUCATION AGENCY
6 BY THE FTE TEACHER AMOUNT FOR THE LOCAL EDUCATION AGENCY.

7 ~~(5)~~ (I) THE PROFESSIONAL DEVELOPMENT, MATERIALS, AND
8 FACILITIES COMPONENT FOR EACH LOCAL EDUCATION AGENCY SHALL BE
9 DETERMINED EACH YEAR BY THE STATE SUPERINTENDENT.

10 (II) THE TOTAL OF THE PROFESSIONAL DEVELOPMENT,
11 MATERIALS, AND FACILITIES COMPONENTS MAY NOT EXCEED \$3,000,000 IN ANY
12 FISCAL YEAR.

13 (E) (1) ON OR BEFORE OCTOBER 1, 1999, EACH LOCAL EDUCATION AGENCY
14 SHALL SUBMIT A MARYLAND LEARNING SUCCESS PROGRAM PLAN TO THE STATE
15 SUPERINTENDENT.

16 (2) THE PLAN SHALL DESCRIBE THE LOCAL EDUCATION AGENCY'S
17 INTENDED USE OF FUNDING FROM MARYLAND LEARNING SUCCESS PROGRAM
18 GRANTS, FEDERAL CLASS SIZE REDUCTION INITIATIVE GRANTS PROVIDED IN PUBLIC
19 LAW 105-277 AND ANY OTHER FEDERAL FUNDS PROVIDED SPECIFICALLY FOR THE
20 PURPOSE OF ADDING TEACHERS.

21 (3) THE PLAN SHALL SPECIFY THE USE OF FUNDS FOR:

22 (I) CLASS SIZE REDUCTION FOR READING INSTRUCTION IN THE
23 FIRST AND SECOND GRADES TO A RATIO NO GREATER THAN 20 STUDENTS PER ONE
24 TEACHER;

25 ~~(II)~~ ~~CLASS SIZE REDUCTION FOR MATHEMATICS INSTRUCTION IN~~
26 ~~THE SEVENTH GRADE TO A RATIO NO GREATER THAN 20 STUDENTS PER ONE~~
27 ~~TEACHER;~~

28 ~~(III)~~ PROFESSIONAL DEVELOPMENT FOR NEW OR EXISTING
29 TEACHERS TO MAXIMIZE THE EDUCATIONAL RESULTS OF REDUCED CLASS SIZES;

30 ~~(IV)~~ ~~(III)~~ SUPPLIES AND MATERIALS RELATED TO CHANGES IN
31 CURRICULUM AND INSTRUCTIONAL METHODS IMPLEMENTED TO MAXIMIZE THE
32 EDUCATIONAL RESULTS OF REDUCED CLASS SIZES;

33 ~~(V)~~ ~~(IV)~~ RECONFIGURATIONS AND OTHER MINOR ALTERATIONS
34 IN FACILITIES REQUIRED TO MAXIMIZE THE EDUCATIONAL RESULTS OF REDUCED
35 CLASS SIZES; OR

36 ~~(VI)~~ ~~(V)~~ OTHER EXPENSES DIRECTLY RELATED TO ITEMS (I)
37 THROUGH ~~(VI)~~ (IV) OF THIS PARAGRAPH.

1 (4) THE PLAN SHALL SPECIFY HOW THE FUNDING SHALL BE INITIALLY
2 TARGETED TOWARD HIGHER-RISK SCHOOLS AND SCHOOLS THAT SERVE
3 DISADVANTAGED POPULATIONS.

4 (5) THE PLAN SHALL SPECIFY PERFORMANCE INDICATORS THAT SHALL
5 BE USED TO EVALUATE THE SUCCESS OF THE LOCAL EDUCATION AGENCY'S CLASS
6 SIZE REDUCTION PROGRAMS.

7 (6) THE PLAN SHALL INCLUDE A STATEMENT OF ANY FUNDING
8 INCREASES PROVIDED FROM LOCAL SOURCES SINCE FISCAL YEAR 1995 WHICH CAN
9 BE DOCUMENTED TO HAVE BEEN PROVIDED SPECIFICALLY FOR THE PURPOSES
10 DESCRIBED IN PARAGRAPH (3) OF THIS SUBSECTION.

11 (7) IN LOCAL EDUCATION AGENCIES WHERE THE NUMBER OF
12 PROVISIONALLY CERTIFIED TEACHERS EXCEEDS 2 PERCENT OF THE TOTAL NUMBER
13 OF TEACHERS, THE PLAN SHALL PROVIDE A DETAILED STRATEGY FOR REDUCING
14 THE NUMBER OF PROVISIONALLY CERTIFIED TEACHERS TO NO MORE THAN 2
15 PERCENT OF THE TOTAL NUMBER OF TEACHERS ~~BY JUNE 30, 2002.~~

16 (8) THE PLAN SHALL INCLUDE ANY OTHER INFORMATION REQUIRED BY
17 GUIDELINES OR REGULATIONS ISSUED BY THE STATE BOARD.

18 (9) THE PLAN SHALL BE IN A FORM AND FORMAT SPECIFIED BY THE
19 STATE SUPERINTENDENT.

20 (F) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, IN FISCAL
21 YEAR 2001 AND EACH SUCCEEDING FISCAL YEAR, THE STATE SUPERINTENDENT
22 SHALL EVALUATE EACH PLAN AND THE LOCAL EDUCATION AGENCY'S PROGRESS IN
23 ACHIEVING THE GOALS OF THIS SECTION AND AWARD TO EACH LOCAL EDUCATION
24 AGENCY A GRANT THAT DOES NOT EXCEED THE MAXIMUM MARYLAND LEARNING
25 SUCCESS PROGRAM GRANT. THE STATE SUPERINTENDENT MAY GRANT AN AWARD
26 WHICH IS LESS THAN THE MAXIMUM MARYLAND LEARNING SUCCESS PROGRAM
27 GRANT:

28 (1) IF THE LOCAL EDUCATION AGENCY'S MARYLAND LEARNING
29 SUCCESS PROGRAM PLAN DOES NOT REQUIRE THE FULL AMOUNT OF THE MAXIMUM
30 MARYLAND LEARNING SUCCESS PROGRAM GRANT;

31 (2) IF IN THE JUDGMENT OF THE STATE SUPERINTENDENT, THE LOCAL
32 EDUCATION AGENCY'S MARYLAND LEARNING SUCCESS PROGRAM PLAN WILL NOT
33 EFFECTIVELY MAXIMIZE THE EDUCATIONAL RESULTS OF REDUCED CLASS SIZES;

34 (3) IF IN THE STATE SUPERINTENDENT'S JUDGMENT, THE LOCAL
35 EDUCATION AGENCY'S IMPLEMENTATION OF THE MARYLAND LEARNING SUCCESS
36 PROGRAM GRANTS, FEDERAL CLASS SIZE REDUCTION INITIATIVE GRANTS PROVIDED
37 UNDER PUBLIC LAW 105-277, AND ANY OTHER FEDERAL FUNDS PROVIDED
38 SPECIFICALLY FOR THE PURPOSE OF ADDING TEACHERS HAS NOT BEEN EXPENDED
39 EFFICIENTLY, EFFECTIVELY, AND IN ACCORDANCE WITH THE LOCAL EDUCATION
40 AGENCY'S MARYLAND LEARNING SUCCESS PROGRAM PLAN;

1 (4) IF THE LOCAL EDUCATION AGENCY'S MARYLAND LEARNING
 2 SUCCESS PROGRAM PLAN OR MARYLAND LEARNING SUCCESS PROGRAM REPORT DO
 3 NOT MEET THE CRITERIA SET FORTH IN THIS SECTION AND IN ANY GUIDELINES OR
 4 REGULATIONS ESTABLISHED PURSUANT TO THIS SECTION; OR

5 (5) FOR FISCAL YEARS 2001 AND 2002, IN LOCAL EDUCATION AGENCIES
 6 WHERE THE NUMBER OF PROVISIONALLY CERTIFIED TEACHERS EXCEEDS 2
 7 PERCENT OF THE TOTAL NUMBER OF TEACHERS, IF, IN THE JUDGMENT OF THE
 8 STATE SUPERINTENDENT, THE PLAN DOES NOT PROVIDE AN EFFECTIVE STRATEGY
 9 FOR REDUCING THE NUMBER OF PROVISIONALLY CERTIFIED TEACHERS TO 2
 10 PERCENT OF THE TOTAL NUMBER OF TEACHERS TO 2 PERCENT OF THE TOTAL
 11 NUMBER OF TEACHERS BY JUNE 30, 2002.

12 (G) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (D)(2) OF THIS
 13 SECTION, THE STATE BOARD SUPERINTENDENT MAY ANNUALLY WAIVE OR MODIFY
 14 THE GRANT REDUCTION PENALTY IN SUBSECTION (D)(2) OF THIS SECTION, IF THE
 15 LOCAL EDUCATION AGENCY HAS DEMONSTRATED IN WRITING THAT IT HAS MADE:

16 (1) HAS MADE SUBSTANTIAL EFFORTS TOWARDS REDUCING THE
 17 NUMBER OF PROVISIONALLY CERTIFIED TEACHERS;

18 (2) HAS MADE SIGNIFICANT ATTEMPTS TO RECRUIT AND HIRE
 19 CERTIFIED TEACHERS; AND

20 (3) HAS MADE SIGNIFICANT ATTEMPTS TO ASSIST PROVISIONALLY
 21 CERTIFIED TEACHERS IN BECOMING CERTIFIED IN THIS STATE; AND

22 (4) SIGNIFICANT ATTEMPTS TO REHIRE RETIRED CERTIFIED
 23 TEACHERS.

24 (H) THE BOARD SHALL MEASURE SUBSTANTIAL EFFORTS BASED ON THE
 25 CHANGE IN THE NUMBER OF PROVISIONALLY CERTIFIED TEACHERS FROM THE
 26 ACTUAL NUMBER OF PROVISIONALLY CERTIFIED TEACHERS EMPLOYED AS OF
 27 DECEMBER 1, 1999.

28 (G) (I) NO LOCAL EDUCATION AGENCY MAY EXPEND FUNDS RECEIVED
 29 FROM THE MARYLAND LEARNING SUCCESS PROGRAM TO PAY SALARY OR BENEFITS
 30 COSTS FOR PROVISIONALLY CERTIFIED TEACHERS.

31 (J) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
 32 LOCAL EDUCATION AGENCY MAY NOT RECEIVE A MARYLAND LEARNING SUCCESS
 33 PROGRAM GRANT UNLESS THE LOCAL EDUCATION AGENCY EXPENDS ITS FEDERAL
 34 CLASS SIZE REDUCTION INITIATIVE GRANTS PROVIDED IN PUBLIC LAW 105-277 TO
 35 REDUCE CLASS SIZES FOR READING INSTRUCTION IN THE FIRST AND SECOND
 36 GRADES.

37 (2) IF A LOCAL EDUCATION AGENCY HAS A RATIO OF NO GREATER THAN
 38 20 STUDENTS PER ONE TEACHER FOR READING INSTRUCTION IN THE FIRST AND
 39 SECOND GRADES, PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY.

1 ~~(H)~~ ~~(I)~~ (K) (1) ON OR BEFORE OCTOBER 1, IN 2001 AND EACH SUCCEEDING
2 YEAR, EACH LOCAL EDUCATION AGENCY SHALL SUBMIT A MARYLAND LEARNING
3 SUCCESS PROGRAM REPORT TO THE STATE SUPERINTENDENT.

4 (2) THE REPORT SHALL DESCRIBE THE LOCAL EDUCATION AGENCY'S
5 ACTUAL USE OF FUNDING FROM MARYLAND LEARNING SUCCESS PROGRAM GRANTS,
6 FEDERAL CLASS SIZE INITIATIVE GRANTS PROVIDED IN PUBLIC LAW 105-277, AND
7 ANY OTHER FEDERAL FUNDS PROVIDED SPECIFICALLY FOR THE PURPOSE OF
8 INCREASING THE NUMBER OF TEACHERS.

9 (3) THE REPORT SHALL INCLUDE THE RESULTS OF THE PERFORMANCE
10 INDICATORS SPECIFIED IN THE LOCAL EDUCATION AGENCY'S MARYLAND LEARNING
11 SUCCESS PROGRAM PLAN.

12 (4) THE REPORT MAY PROPOSE CHANGES TO THE LOCAL EDUCATION
13 AGENCY'S MARYLAND LEARNING SUCCESS PROGRAM PLAN.

14 (5) THE REPORT SHALL INCLUDE ANY OTHER INFORMATION REQUIRED
15 BY GUIDELINES OR REGULATIONS ISSUED BY THE STATE BOARD.

16 (6) THE REPORT SHALL BE IN A FORM AND FORMAT SPECIFIED BY THE
17 STATE SUPERINTENDENT.

18 ~~(H)~~ ~~(K)~~ (L) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE
19 SUPERINTENDENT SHALL REPORT THE STATUS OF THE MARYLAND LEARNING
20 SUCCESS PROGRAM TO THE GOVERNOR AND THE GENERAL ASSEMBLY.

21 ~~(I)~~ ~~(L)~~ (M) FOR FISCAL YEAR 2001 AND EACH SUCCEEDING FISCAL YEAR,
22 THE GOVERNOR SHALL INCLUDE FUNDS IN THE STATE BUDGET TO ACCOMPLISH
23 THE PURPOSES OF THIS SECTION.

24 ~~(K)~~ ~~(M)~~ (N) THE STATE BOARD MAY ESTABLISH ANY GUIDELINES OR
25 REGULATIONS THAT IT DETERMINES ARE NECESSARY TO IMPLEMENT THE
26 PURPOSES OF THIS SECTION.

27 SECTION 2. AND BE IT FURTHER ENACTED, That the Special Study
28 Commission on Class Size Reduction Programs established pursuant to House Joint
29 Resolution No. 15 of 1998 shall include in its report to the Governor and the General
30 Assembly the benefits and necessity of reducing class sizes for mathematics in public
31 schools and reading instruction in the third grade.

32 SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take
33 effect July 1, 1999.

