

HOUSE BILL 187

Unofficial Copy  
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1999 Regular Session  
9lr0215  
CF 9lr0229

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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**

Introduced and read first time: February 1, 1999

Assigned to: Ways and Means

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A BILL ENTITLED

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  
6 Superintendent of Education; requiring the State Superintendent of Education  
7 to make certain grants to local education agencies; providing the conditions for  
8 awarding Maryland Learning Success Program grants; providing for certain  
9 reporting; defining certain terms; requiring the Governor to include funding in  
10 the budget to accomplish the purposes of this Act; and generally relating to  
11 grants for class size reduction assistance.

12 BY adding to  
13 Article - Education  
14 Section 5-212  
15 Annotated Code of Maryland  
16 (1997 Replacement Volume and 1998 Supplement)

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

19 **Article - Education**

20 5-212.

21 (A) (1) IN THIS SECTION THE FOLLOWING TERMS HAVE THE MEANINGS  
22 INDICATED.

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

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

4 (II) \$39,000.

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

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

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

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

13 (C) THE PURPOSE OF THE MARYLAND LEARNING SUCCESS PROGRAM IS TO  
14 PROVIDE GRANTS THAT WILL ASSIST LOCAL EDUCATION AGENCIES TO REDUCE  
15 CLASS SIZES FOR READING INSTRUCTION IN THE FIRST AND SECOND GRADES AND  
16 MATHEMATICS INSTRUCTION IN THE SEVENTH GRADE.

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

19 (I) A READING COMPONENT;

20 (II) A MATHEMATICS COMPONENT; AND

21 (III) FOR FISCAL YEARS 2001, 2002, AND 2003 ONLY, A PROFESSIONAL  
22 DEVELOPMENT, MATERIALS, AND FACILITIES COMPONENT.

23 (2) FOR FISCAL YEAR 2003 AND EACH SUBSEQUENT FISCAL YEAR, THE  
24 AMOUNT OF THE MAXIMUM MARYLAND LEARNING SUCCESS GRANT SHALL BE  
25 REDUCED 5 PERCENT FOR EACH 5 PERCENT BY WHICH THE PERCENTAGE OF TOTAL  
26 TEACHERS IN THE LOCAL EDUCATION AGENCY WHO ARE PROVISIONALLY  
27 CERTIFIED EXCEEDS 2 PERCENT.

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

29 (I) FOR FISCAL YEAR 2001, BY DIVIDING THE READING FACTOR  
30 FOR THE LOCAL EDUCATION AGENCY BY 450 AND MULTIPLYING THE RESULT BY THE  
31 FTE TEACHER AMOUNT FOR THE LOCAL EDUCATION AGENCY;

32 (II) FOR FISCAL YEAR 2002, BY DIVIDING THE READING FACTOR  
33 FOR THE LOCAL EDUCATION AGENCY BY 300 AND MULTIPLYING THE RESULT BY THE  
34 FTE TEACHER AMOUNT FOR THE LOCAL EDUCATION AGENCY; AND

35 (III) FOR FISCAL YEAR 2003 AND EACH SUCCEEDING FISCAL YEAR,  
36 BY DIVIDING THE READING FACTOR FOR THE LOCAL EDUCATION AGENCY BY 150

1 AND MULTIPLYING THE RESULT BY THE FTE TEACHER AMOUNT FOR THE LOCAL  
2 EDUCATION AGENCY.

3 (4) THE MATHEMATICS COMPONENT SHALL BE CALCULATED AS  
4 FOLLOWS:

5 (I) FOR FISCAL YEAR 2001, BY MULTIPLYING THE MATHEMATICS  
6 FACTOR FOR THE LOCAL EDUCATION AGENCY BY ONE-THIRD OF THE FTE TEACHER  
7 AMOUNT FOR THE LOCAL EDUCATION AGENCY;

8 (II) FOR FISCAL YEAR 2002, BY MULTIPLYING THE MATHEMATICS  
9 FACTOR FOR THE LOCAL EDUCATION AGENCY BY TWO-THIRDS OF THE FTE TEACHER  
10 AMOUNT FOR THE LOCAL EDUCATION AGENCY; AND

11 (III) FOR FISCAL YEAR 2003 AND EACH SUCCEEDING FISCAL YEAR,  
12 BY MULTIPLYING THE MATHEMATICS FACTOR FOR THE LOCAL EDUCATION AGENCY  
13 BY THE FTE TEACHER AMOUNT FOR THE LOCAL EDUCATION AGENCY.

14 (5) (I) THE PROFESSIONAL DEVELOPMENT, MATERIALS, AND  
15 FACILITIES COMPONENT FOR EACH LOCAL EDUCATION AGENCY SHALL BE  
16 DETERMINED EACH YEAR BY THE STATE SUPERINTENDENT.

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

20 (E) (1) ON OR BEFORE OCTOBER 1, 1999, EACH LOCAL EDUCATION AGENCY  
21 SHALL SUBMIT A MARYLAND LEARNING SUCCESS PLAN TO THE STATE  
22 SUPERINTENDENT.

23 (2) THE PLAN SHALL DESCRIBE THE LOCAL EDUCATION AGENCY'S  
24 INTENDED USE OF FUNDING FROM MARYLAND LEARNING SUCCESS GRANTS,  
25 FEDERAL CLASS SIZE REDUCTION INITIATIVE GRANTS PROVIDED IN PUBLIC LAW  
26 105-277 AND ANY OTHER FEDERAL FUNDS PROVIDED SPECIFICALLY FOR THE  
27 PURPOSE OF ADDING TEACHERS.

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

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

32 (II) CLASS SIZE REDUCTION FOR MATHEMATICS INSTRUCTION IN  
33 THE SEVENTH GRADE TO A RATIO NO GREATER THAN 20 STUDENTS PER ONE  
34 TEACHER;

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

1 (IV) SUPPLIES AND MATERIALS RELATED TO CHANGES IN  
2 CURRICULUM AND INSTRUCTIONAL METHODS IMPLEMENTED TO MAXIMIZE THE  
3 EDUCATIONAL RESULTS OF REDUCED CLASS SIZES;

4 (V) RECONFIGURATIONS AND OTHER MINOR ALTERATIONS IN  
5 FACILITIES REQUIRED TO MAXIMIZE THE EDUCATIONAL RESULTS OF REDUCED  
6 CLASS SIZES; OR

7 (VI) OTHER EXPENSES DIRECTLY RELATED TO ITEMS (I) THROUGH  
8 (V) OF THIS PARAGRAPH.

9 (4) THE PLAN SHALL SPECIFY HOW THE FUNDING SHALL BE INITIALLY  
10 TARGETED TOWARD HIGHER-RISK SCHOOLS AND SCHOOLS THAT SERVE  
11 DISADVANTAGED POPULATIONS.

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

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

19 (7) IN LOCAL EDUCATION AGENCIES WHERE THE NUMBER OF  
20 PROVISIONALLY CERTIFIED TEACHERS EXCEEDS 2 PERCENT OF THE TOTAL NUMBER  
21 OF TEACHERS, THE PLAN SHALL PROVIDE A DETAILED STRATEGY FOR REDUCING  
22 THE NUMBER OF PROVISIONALLY CERTIFIED TEACHERS TO NO MORE THAN 2  
23 PERCENT OF THE TOTAL NUMBER OF TEACHERS BY JUNE 30, 2002.

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

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

28 (F) IN FISCAL YEAR 2001 AND EACH SUCCEEDING FISCAL YEAR, THE STATE  
29 SUPERINTENDENT SHALL EVALUATE EACH PLAN AND THE LOCAL EDUCATION  
30 AGENCY'S PROGRESS IN ACHIEVING THE GOALS OF THIS SECTION AND AWARD TO  
31 EACH LOCAL EDUCATION AGENCY A GRANT THAT DOES NOT EXCEED THE MAXIMUM  
32 MARYLAND LEARNING SUCCESS GRANT. THE STATE SUPERINTENDENT MAY GRANT  
33 AN AWARD WHICH IS LESS THAN THE MAXIMUM MARYLAND LEARNING SUCCESS  
34 GRANT:

35 (1) IF THE LOCAL EDUCATION AGENCY'S MARYLAND LEARNING  
36 SUCCESS PLAN DOES NOT REQUIRE THE FULL AMOUNT OF THE MAXIMUM  
37 MARYLAND LEARNING SUCCESS GRANT;

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

4 (3) IF IN THE STATE SUPERINTENDENT'S JUDGMENT, THE LOCAL  
5 EDUCATION AGENCY'S IMPLEMENTATION OF THE MARYLAND LEARNING SUCCESS  
6 GRANTS, FEDERAL CLASS SIZE REDUCTION INITIATIVE GRANTS PROVIDED UNDER  
7 PUBLIC LAW 105-277, AND ANY OTHER FEDERAL FUNDS PROVIDED SPECIFICALLY  
8 FOR THE PURPOSE OF ADDING TEACHERS HAS NOT BEEN EXPENDED EFFICIENTLY,  
9 EFFECTIVELY, AND IN ACCORDANCE WITH THE LOCAL EDUCATION AGENCY'S  
10 MARYLAND LEARNING SUCCESS PLAN;

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

15 (5) FOR FISCAL YEARS 2001 AND 2002, IN LOCAL EDUCATION AGENCIES  
16 WHERE THE NUMBER OF PROVISIONALLY CERTIFIED TEACHERS EXCEEDS 2  
17 PERCENT OF THE TOTAL NUMBER OF TEACHERS, IF, IN THE JUDGMENT OF THE  
18 STATE SUPERINTENDENT, THE PLAN DOES NOT PROVIDE AN EFFECTIVE STRATEGY  
19 FOR REDUCING THE NUMBER OF PROVISIONALLY CERTIFIED TEACHERS TO 2  
20 PERCENT OF THE TOTAL NUMBER OF TEACHERS BY JUNE 30, 2002.

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

24 (H) (1) ON OR BEFORE OCTOBER 1, IN 2001 AND EACH SUCCEEDING YEAR,  
25 EACH LOCAL EDUCATION AGENCY SHALL SUBMIT A MARYLAND LEARNING SUCCESS  
26 REPORT TO THE STATE SUPERINTENDENT.

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

32 (3) THE REPORT SHALL INCLUDE THE RESULTS OF THE PERFORMANCE  
33 INDICATORS SPECIFIED IN THE LOCAL EDUCATION AGENCY'S MARYLAND LEARNING  
34 SUCCESS PLAN.

35 (4) THE REPORT MAY PROPOSE CHANGES TO THE LOCAL EDUCATION  
36 AGENCY'S MARYLAND LEARNING SUCCESS PLAN.

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

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

1 (I) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE SUPERINTENDENT  
2 SHALL REPORT THE STATUS OF THE MARYLAND LEARNING SUCCESS PROGRAM TO  
3 THE GOVERNOR AND THE GENERAL ASSEMBLY.

4 (J) FOR FISCAL YEAR 2001 AND EACH SUCCEEDING FISCAL YEAR, THE  
5 GOVERNOR SHALL INCLUDE FUNDS IN THE STATE BUDGET TO ACCOMPLISH THE  
6 PURPOSES OF THIS SECTION.

7 (K) THE STATE BOARD MAY ESTABLISH ANY GUIDELINES OR REGULATIONS  
8 THAT IT DETERMINES ARE NECESSARY TO IMPLEMENT THE PURPOSES OF THIS  
9 SECTION.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 July 1, 1999.