

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~~ 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**

Introduced and read first time: February 1, 1999  
Assigned to: Ways and Means

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Committee Report: Favorable with amendments  
House action: Adopted with floor amendments  
Read second time: March 22, 1999

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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  
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

1 (1997 Replacement Volume and 1998 Supplement)

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

4 **Article - Education**

5 5-212.

6 (A) (1) IN THIS SECTION THE FOLLOWING TERMS HAVE THE MEANINGS  
7 INDICATED.

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

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

13 (II) \$39,000.

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

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

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

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

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

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

28 (I) A READING COMPONENT; AND

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

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

32 (2) FOR FISCAL YEAR 2003 AND EACH SUBSEQUENT FISCAL YEAR, THE  
33 AMOUNT OF THE MAXIMUM MARYLAND LEARNING SUCCESS PROGRAM GRANT  
34 SHALL BE REDUCED 5 PERCENT FOR EACH ~~5-~~ 1 PERCENT BY WHICH THE

1 PERCENTAGE OF TOTAL TEACHERS IN THE LOCAL EDUCATION AGENCY WHO ARE  
2 PROVISIONALLY CERTIFIED EXCEEDS 2 PERCENT AS OF DECEMBER 1 OF THE  
3 PREVIOUS FISCAL YEAR.

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

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

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

11 (III) FOR FISCAL YEAR 2003 AND EACH SUCCEEDING FISCAL YEAR,  
12 BY DIVIDING THE READING FACTOR FOR THE LOCAL EDUCATION AGENCY BY 150  
13 AND MULTIPLYING THE RESULT BY THE FTE TEACHER AMOUNT FOR THE LOCAL  
14 EDUCATION AGENCY.

15 (4) ~~THE MATHEMATICS COMPONENT SHALL BE CALCULATED AS~~  
16 ~~FOLLOWS:~~

17 ~~(I) FOR FISCAL YEAR 2001, BY MULTIPLYING THE MATHEMATICS~~  
18 ~~FACTOR FOR THE LOCAL EDUCATION AGENCY BY ONE THIRD OF THE FTE TEACHER~~  
19 ~~AMOUNT FOR THE LOCAL EDUCATION AGENCY;~~

20 ~~(II) FOR FISCAL YEAR 2002, BY MULTIPLYING THE MATHEMATICS~~  
21 ~~FACTOR FOR THE LOCAL EDUCATION AGENCY BY TWO THIRDS OF THE FTE TEACHER~~  
22 ~~AMOUNT FOR THE LOCAL EDUCATION AGENCY; AND~~

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

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

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

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

35 (2) THE PLAN SHALL DESCRIBE THE LOCAL EDUCATION AGENCY'S  
36 INTENDED USE OF FUNDING FROM MARYLAND LEARNING SUCCESS PROGRAM  
37 GRANTS, FEDERAL CLASS SIZE REDUCTION INITIATIVE GRANTS PROVIDED IN PUBLIC

1 LAW 105-277 AND ANY OTHER FEDERAL FUNDS PROVIDED SPECIFICALLY FOR THE  
2 PURPOSE OF ADDING TEACHERS.

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

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

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

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

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

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

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

20 (4) THE PLAN SHALL SPECIFY HOW THE FUNDING SHALL BE INITIALLY  
21 TARGETED TOWARD HIGHER-RISK SCHOOLS AND SCHOOLS THAT SERVE  
22 DISADVANTAGED POPULATIONS.

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

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

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

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

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

3 (F) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, IN FISCAL  
4 YEAR 2001 AND EACH SUCCEEDING FISCAL YEAR, THE STATE SUPERINTENDENT  
5 SHALL EVALUATE EACH PLAN AND THE LOCAL EDUCATION AGENCY'S PROGRESS IN  
6 ACHIEVING THE GOALS OF THIS SECTION AND AWARD TO EACH LOCAL EDUCATION  
7 AGENCY A GRANT THAT DOES NOT EXCEED THE MAXIMUM MARYLAND LEARNING  
8 SUCCESS PROGRAM GRANT. THE STATE SUPERINTENDENT MAY GRANT AN AWARD  
9 WHICH IS LESS THAN THE MAXIMUM MARYLAND LEARNING SUCCESS PROGRAM  
10 GRANT:

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

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

17 (3) IF IN THE STATE SUPERINTENDENT'S JUDGMENT, THE LOCAL  
18 EDUCATION AGENCY'S IMPLEMENTATION OF THE MARYLAND LEARNING SUCCESS  
19 PROGRAM GRANTS, FEDERAL CLASS SIZE REDUCTION INITIATIVE GRANTS PROVIDED  
20 UNDER PUBLIC LAW 105-277, AND ANY OTHER FEDERAL FUNDS PROVIDED  
21 SPECIFICALLY FOR THE PURPOSE OF ADDING TEACHERS HAS NOT BEEN EXPENDED  
22 EFFICIENTLY, EFFECTIVELY, AND IN ACCORDANCE WITH THE LOCAL EDUCATION  
23 AGENCY'S MARYLAND LEARNING SUCCESS PROGRAM PLAN;

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

28 (5) FOR FISCAL YEARS 2001 AND 2002, IN LOCAL EDUCATION AGENCIES  
29 WHERE THE NUMBER OF PROVISIONALLY CERTIFIED TEACHERS EXCEEDS 2  
30 PERCENT OF THE TOTAL NUMBER OF TEACHERS, IF, IN THE JUDGMENT OF THE  
31 STATE SUPERINTENDENT, THE PLAN DOES NOT PROVIDE AN EFFECTIVE STRATEGY  
32 FOR REDUCING THE NUMBER OF PROVISIONALLY CERTIFIED TEACHERS TO 2  
33 PERCENT OF THE TOTAL NUMBER OF TEACHERS BY JUNE 30, 2002.

34 (G) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, THE STATE  
35 BOARD MAY ANNUALLY WAIVE OR MODIFY THE GRANT REDUCTION PENALTY IN  
36 SUBSECTION (D)(2) OF THIS SECTION, IF THE LOCAL EDUCATION AGENCY HAS  
37 DEMONSTRATED IN WRITING THAT IT:

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

40 (2) HAS MADE SIGNIFICANT ATTEMPTS TO RECRUIT AND HIRE  
41 CERTIFIED TEACHERS; AND

1           (3)     HAS MADE SIGNIFICANT ATTEMPTS TO ASSIST PROVISIONALLY  
2 CERTIFIED TEACHERS IN BECOMING CERTIFIED IN THIS STATE.

3     (H)     THE BOARD SHALL MEASURE SUBSTANTIAL EFFORTS BASED ON THE  
4 CHANGE IN THE NUMBER OF PROVISIONALLY CERTIFIED TEACHERS FROM THE  
5 ACTUAL NUMBER OF PROVISIONALLY CERTIFIED TEACHERS EMPLOYED AS OF  
6 DECEMBER 1, 1999.

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

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

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

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

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

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

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

27    ~~(I)~~   (K)     ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE SUPERINTENDENT  
28 SHALL REPORT THE STATUS OF THE MARYLAND LEARNING SUCCESS PROGRAM TO  
29 THE GOVERNOR AND THE GENERAL ASSEMBLY.

30    ~~(J)~~   (L)     FOR FISCAL YEAR 2001 AND EACH SUCCEEDING FISCAL YEAR, THE  
31 GOVERNOR SHALL INCLUDE FUNDS IN THE STATE BUDGET TO ACCOMPLISH THE  
32 PURPOSES OF THIS SECTION.

33    ~~(K)~~   (M)     THE STATE BOARD MAY ESTABLISH ANY GUIDELINES OR  
34 REGULATIONS THAT IT DETERMINES ARE NECESSARY TO IMPLEMENT THE  
35 PURPOSES OF THIS SECTION.

36     SECTION 2. AND BE IT FURTHER ENACTED, That the Special Study  
37 Commission on Class Size Reduction Programs established pursuant to House Joint  
38 Resolution No. 15 of 1998 shall include in its report to the Governor and the General

1 Assembly the benefits and necessity of reducing class sizes for mathematics in public  
2 schools and reading instruction in the third grade.

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