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By: **Delegates Hixson, Shriver, Heller, Bobo, Kopp, Turner, Goldwater,  
Mandel, Franchot, and Grosfeld**

Introduced and read first time: February 10, 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 24, 1999

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2                                   **Community Colleges - English for Speakers of Other Languages Programs -**  
3                                   **Funding**

4 FOR the purpose of ~~removing~~ increasing the limitation on the total funding for  
5 annual grants for the English for Speakers of Other Languages programs  
6 ("ESOL") at the community colleges in the State, including Baltimore City  
7 Community College; requiring the Governor to include certain funds in the  
8 annual budget to reimburse community colleges, including Baltimore City  
9 Community College, for any deficiency in funds for grants for ESOL programs at  
10 the community colleges subject to a certain limitation; declaring the intent of  
11 the General Assembly; and generally relating to ESOL programs in the State.

12 BY repealing and reenacting, with amendments,  
13 Article - Education  
14 Section 16-305(e) and 16-508  
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 16-305.

21       (e)       (1)       (i)       Beginning in Fiscal Year 1996, a grant in the amount provided  
22 in paragraph (2) of this subsection shall be distributed to each board in order to

1 provide instruction and services to students enrolled in an English for Speakers of  
2 Other Languages ("ESOL") program.

3 (ii) To qualify for a grant under this subsection, each participant in  
4 the program shall be a student:

- 5 1. Born outside of the United States or whose native  
6 language is not English;
- 7 2. Who comes from an environment where a language other  
8 than English is dominant; or
- 9 3. Who is an American Indian or Alaskan native and comes  
10 from an environment where a language other than English has had a significant  
11 impact on the student's level of English language proficiency.

12 (2) (i) Subject to the provisions of subparagraph (ii) of this paragraph,  
13 the ~~THE~~ amount of the grant shall be \$800 times the number of qualified full-time  
14 equivalent students who are enrolled in a county ESOL program and at the  
15 community college.

16 (ii) 1. The total amount of the grants under this paragraph may  
17 not exceed ~~\$1,000,000~~ \$2,000,000 for any fiscal year.

18 2. If, for any fiscal year, the total amount of the grants  
19 calculated under subparagraph (i) of this paragraph would exceed ~~\$1,000,000~~  
20 \$2,000,000, then each grant shall be prorated by the amount necessary to reduce the  
21 total amount of the grants to ~~\$1,000,000~~ \$2,000,000.

22 (3) (i) If the amount that is appropriated to a board under this  
23 subsection for any fiscal year is more than the actual cost of providing ESOL  
24 programs to students enrolled at the community college in that county or region, the  
25 excess funds shall be paid back to the State and credited to the General Fund of the  
26 State.

27 (ii) A board may not transfer State funds received under this  
28 subsection to any other program or category.

29 (4) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS  
30 SUBSECTION, FOR ANY FISCAL YEAR IN WHICH THE STATE APPROPRIATION IS  
31 INSUFFICIENT TO FULLY FUND ALL GRANTS ELIGIBLE UNDER THIS SECTION, THE  
32 GOVERNOR SHALL INCLUDE IN THE BUDGET BILL FOR THE FOLLOWING FISCAL  
33 YEAR A DEFICIENCY APPROPRIATION TO FUND ALL UNFUNDED GRANTS.

34 16-508.

35 (a) (1) Beginning with Fiscal Year 1996, the Governor shall include in the  
36 annual budget submission a General Fund appropriation for Baltimore City  
37 Community College in the amount provided in subsection (b) of this section to provide

1 instruction and services to students enrolled in an English for Speakers of Other  
2 Languages ("ESOL") program.

3           (2)       To qualify for a grant under this section, each participant in the  
4 program shall be a student:

5                   (i)       Born outside of the United States or whose native language is  
6 not English;

7                   (ii)       Who comes from an environment where a language other than  
8 English is dominant; or

9                   (iii)       Who is an American Indian or Alaskan native and comes from  
10 an environment where a language other than English has had a significant impact on  
11 the student's level of English language proficiency.

12       (b)       {(1)       Subject to the provisions of paragraph (2) of this subsection, the} ~~THE~~  
13 amount of the grant shall be \$800 times the number of qualified full-time equivalent  
14 students who are enrolled in a Baltimore City Community College ESOL program, as  
15 certified by the Maryland Higher Education Commission.

16                   {(2)       The total amount of the grant under this subsection may not exceed  
17 ~~\$200,000~~ \$400,000 for any fiscal year.}

18       (c)       Baltimore City Community College may not transfer State funds received  
19 under this subsection to any other program or category.

20       (D)       SUBJECT TO THE PROVISIONS OF SUBSECTION (B) OF THIS SECTION, FOR  
21 ANY FISCAL YEAR IN WHICH THE STATE APPROPRIATION IS INSUFFICIENT TO FULLY  
22 FUND ALL GRANTS ELIGIBLE UNDER THIS SECTION, THE GOVERNOR SHALL  
23 INCLUDE IN THE BUDGET BILL FOR THE FOLLOWING FISCAL YEAR A DEFICIENCY  
24 APPROPRIATION TO FUND ALL UNFUNDED GRANTS.

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