

HOUSE BILL 962

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1999 Regular Session  
9r1050

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By: **Delegates Zirkin, Dewberry, Hurson, Kopp, Morhaim, Finifter, R. Baker, Marriott, Barve, Minnick, Montague, Barkley, Doory, Hecht, Malone, Benson, DeCarlo, Ports, Menes, Hubbard, Rzepkowski, O'Donnell, Stull, Grosfeld, Nathan-Pulliam, Cane, Kach, Klausmeier, Moe, Bronrott, Mohorovic, Giannetti, Turner, Carlson, Valderrama, Rosenberg, Paige, Swain, Frush, D'Amato, McHale, Phillips, A. Jones, Rosso, Riley, Dypski, Mandel, Griffith, Stocksdale, Kirk, Hubers, Pitkin, Oaks, Patterson, Goldwater, Petzold, La Vay, Hammen, Pendergrass, Boschert, Sher, Brown, Bartlett, Amedori, Hill, Kagan, and Dembrow**

Introduced and read first time: February 12, 1999  
Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **Education - Class Size Reduction Program - Establishment**

3 FOR the purpose of establishing the Class Size Reduction Program to limit the class  
4 size in certain grades for certain classes to a certain amount in a participating  
5 county within a certain time; requiring the Department of Education to  
6 administer the Program; authorizing a county board to submit a certain plan to  
7 the Department for approval; requiring the Department to appropriate certain  
8 funds; establishing mandatory and discretionary measures to be included in a  
9 participating county board's plan; establishing penalties for a participating  
10 county board's failure to achieve certain goals; providing for funding of the  
11 Program; providing that funding for the Program may not supplant certain  
12 other existing funding; providing for the termination of this Act; and generally  
13 relating to the Class Size Reduction Program.

14 BY repealing and reenacting, with amendments,  
15 Article - Education  
16 Section 2-205(m) and 5-301(a)  
17 Annotated Code of Maryland  
18 (1997 Replacement Volume and 1998 Supplement)

19 BY adding to  
20 Article - Education  
21 Section 5-208.1  
22 Annotated Code of Maryland  
23 (1997 Replacement Volume and 1998 Supplement)

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

3 **Article - Education**

4 2-205.

5 (m) (1) In this subsection, "professional employee" means an employee:

6 (i) For whom a certificate has been issued by the State  
7 Superintendent; and

8 (ii) For whom a salary scale has been established by law for the  
9 position or who meets or exceeds the qualifications required for an established salary  
10 scale.

11 (2) From time to time, the State Board shall adopt bylaws, rules, and  
12 regulations that establish a minimum ratio of professional employees to students  
13 enrolled in the public schools or any combination of grades in these schools.

14 (3) [The] EXCEPT AS PROVIDED IN PARAGRAPH (6) OF THIS  
15 SUBSECTION, THE ratio established by the State Board for the total number of  
16 professional employees for each county, calculated to the nearest whole position on a  
17 pro rata basis, may not be more than:

18 (i) 46 for each 1,000 of the first 5,000 students enrolled as of  
19 September 30 of each year; and

20 (ii) 45 for each additional 1,000 students.

21 (4) A county may employ more professional employees than the number  
22 permitted in this subsection as it considers necessary.

23 (5) At least 95 percent of the permitted number of professional  
24 employees shall be assigned to public schools.

25 (6) THE DEPARTMENT SHALL ADMINISTER AND DIRECT THE CLASS SIZE  
26 REDUCTION PROGRAM AND THE CLASS SIZE REDUCTION FUND UNDER § 5-208.1 OF  
27 THIS ARTICLE TO LIMIT THE CLASS SIZE IN KINDERGARTEN THROUGH GRADE 3 FOR  
28 CORE CURRICULUM CLASSES IN A PARTICIPATING COUNTY TO 18 OR FEWER  
29 STUDENTS.

30 5-208.1.

31 (A) THERE IS A CLASS SIZE REDUCTION PROGRAM ADMINISTERED AND  
32 DIRECTED BY THE DEPARTMENT.

33 (B) THE PURPOSE OF THE PROGRAM IS TO LIMIT THE CLASS SIZE IN  
34 KINDERGARTEN THROUGH GRADE 3 FOR CORE CURRICULUM CLASSES IN A  
35 PARTICIPATING COUNTY TO 18 OR FEWER STUDENTS WITHIN 10 YEARS.

1 (C) THE PROGRAM SHALL BE IMPLEMENTED AS FOLLOWS:

2 (1) A COUNTY BOARD MAY DEVELOP AND SUBMIT TO THE DEPARTMENT  
3 BY SEPTEMBER 1 OF ANY YEAR A COMPREHENSIVE CLASS SIZE REDUCTION PLAN TO  
4 REDUCE OR MAINTAIN THE CLASS SIZE IN KINDERGARTEN THROUGH GRADE 3 FOR  
5 CORE CURRICULUM CLASSES IN THE COUNTY TO 18 OR FEWER STUDENTS WITHIN 10  
6 YEARS.

7 (2) THE DEPARTMENT SHALL ESTABLISH THE CLASS SIZE REDUCTION  
8 FUND TO FINANCE THE PROGRAM.

9 (3) ON APPROVAL BY THE DEPARTMENT OF A COUNTY BOARD'S PLAN  
10 UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL  
11 APPROPRIATE FUNDS OUT OF THE FUND TO THE COUNTY BOARD TO:

12 (I) IMPLEMENT THE PLAN, IN AN AMOUNT EQUAL TO \$500 TIMES  
13 THE NUMBER OF KINDERGARTEN THROUGH GRADE 3 STUDENTS IN THE COUNTY'S  
14 PUBLIC SCHOOLS;

15 (II) MAINTAIN THE PLAN AFTER THE CLASS SIZE REDUCTION IS  
16 COMPLETE, IN AN AMOUNT EQUAL TO \$700 TIMES THE NUMBER OF KINDERGARTEN  
17 THROUGH GRADE 3 STUDENTS IN THE COUNTY'S PUBLIC SCHOOLS; AND

18 (III) PAY A STIPEND TO THE COUNTY BOARD EQUAL TO \$40,000 PER  
19 NEW TEACHER HIRED UNDER THE PROGRAM IN THE FISCAL YEAR.

20 (D) (1) A COUNTY BOARD'S PLAN SHALL:

21 (I) RECOMMEND MEASURES TO REDUCE OR MAINTAIN THE CLASS  
22 SIZE IN KINDERGARTEN THROUGH GRADE 3 FOR CORE CURRICULUM CLASSES IN  
23 THE COUNTY TO 18 OR FEWER STUDENTS WITHIN 10 YEARS;

24 (II) ESTIMATE THE COST OF THE MEASURES IN ITEM (I) OF THIS  
25 PARAGRAPH;

26 (III) ESTIMATE THE FUTURE GROWTH OR DECLINE OF THE  
27 COUNTY'S KINDERGARTEN THROUGH GRADE 3 STUDENT POPULATION; AND

28 (IV) INCLUDE A SCHEDULE FOR THE COMPLETION WITHIN 10  
29 YEARS OF:

30 1. INDIVIDUAL ELEMENTS OF THE PLAN; AND

31 2. THE ENTIRE PLAN.

32 (2) A COUNTY BOARD IN ITS DISCRETION MAY CONSIDER AND INCLUDE  
33 IN A PLAN:

34 (I) AN ASSESSMENT OF THE TYPES OF FACILITIES THAT WILL  
35 NEED TO BE CONSTRUCTED, ACQUIRED, OR LEASED, AND AN ESTIMATE OF THE COST  
36 OF THE NEW FACILITIES;

1 (II) THE HIRING OF ADDITIONAL TEACHERS;

2 (III) APPROPRIATE TEACHER TRAINING, INCLUDING TRAINING  
3 REGARDING THE SKILLS OF TEACHING TO SMALL GROUPS; OR

4 (IV) OTHER APPROPRIATE PROGRAMS OR MEASURES.

5 (E) (1) A COUNTY BOARD OF A PARTICIPATING COUNTY SHALL:

6 (I) HAVE A PLAN APPROVED BY THE DEPARTMENT; AND

7 (II) COMPLETE ITS SCHEDULES IN A TIMELY MANNER, SUBJECT TO  
8 REVIEW BY THE DEPARTMENT.

9 (2) THE DEPARTMENT SHALL:

10 (I) REVIEW ANNUALLY A COUNTY BOARD'S PROGRESS IN  
11 IMPLEMENTING ITS PLAN; AND

12 (II) CERTIFY THAT THE COUNTY BOARD IS ON SCHEDULE TO  
13 COMPLETE THE PLAN.

14 (3) IF THE DEPARTMENT DOES NOT CERTIFY THAT THE PARTICIPATING  
15 COUNTY BOARD IS ON SCHEDULE TO COMPLETE THE PLAN, THEN THE DEPARTMENT  
16 MAY NOT APPROPRIATE FUNDS OUT OF THE FUND TO THE COUNTY BOARD UNDER  
17 THIS SECTION.

18 (4) CLASS SIZES IN KINDERGARTEN THROUGH GRADE 3 FOR CORE  
19 CURRICULUM CLASSES MAY EXCEED 18 STUDENTS IN A PARTICIPATING COUNTY  
20 WITHOUT THE COUNTY BOARD BEING SUBJECT TO THE PENALTIES OF PARAGRAPH  
21 (3) OF THIS SUBSECTION IF:

22 (I) THE COUNTY BOARD HAS DEVELOPED A PLAN APPROVED BY  
23 THE DEPARTMENT; AND

24 (II) THE DEPARTMENT CERTIFIES THAT THE COUNTY BOARD IS ON  
25 SCHEDULE FOR COMPLETION OF THE PLAN.

26 (F) IN FISCAL YEAR 2000 AND EVERY YEAR THEREAFTER, IN THE STATE  
27 BUDGET THE GOVERNOR SHALL APPROPRIATE TO THE FUND AN AMOUNT EQUAL TO  
28 THE TOTAL OF:

29 (1) \$500 TIMES THE NUMBER OF KINDERGARTEN THROUGH GRADE 3  
30 STUDENTS IN THE PUBLIC SCHOOLS OF PARTICIPATING COUNTIES THAT ARE  
31 IMPLEMENTING THE PLAN;

32 (2) \$700 TIMES THE NUMBER OF KINDERGARTEN THROUGH GRADE 3  
33 STUDENTS IN THE PUBLIC SCHOOLS OF PARTICIPATING COUNTIES THAT ARE  
34 MAINTAINING THE PLAN; AND

1 (3) \$40,000 TIMES THE NUMBER OF NEW TEACHERS HIRED UNDER THE  
2 PROGRAM IN THE FISCAL YEAR.

3 (G) APPROPRIATIONS MADE TO THE FUND UNDER THIS SECTION MAY NOT BE  
4 USED TO SUPPLANT THE EXISTING STATE SHARE OF BASIC CURRENT EXPENSES  
5 UNDER § 5-202 OF THIS SUBTITLE.

6 (H) THE DEPARTMENT SHALL:

7 (1) ADOPT REGULATIONS TO IMPLEMENT THIS SECTION; AND

8 (2) DEFINE "CORE CURRICULUM CLASSES" IN ITS REGULATIONS TO  
9 INCLUDE ALL MATH, READING, AND WRITING CLASSES.

10 5-301.

11 (a) (1) For the purposes of this section other than subsection (c), the Board  
12 of Public Works shall define by regulation what constitutes an approved public school  
13 construction or capital improvement cost.

14 (2) [The] EXCEPT AS PROVIDED IN § 5-208.1 OF THIS TITLE, THE cost of  
15 acquiring land may not be considered a construction or capital improvement cost and  
16 may not be paid by the State.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 June 1, 1999. It shall remain effective for a period of 11 years and, at the end of May  
19 31, 2010, with no further action required by the General Assembly, this Act shall be  
20 abrogated and of no further force and effect.