

SENATE BILL 137

Unofficial Copy  
F1

1999 Regular Session  
(9lr0229)

**ENROLLED BILL**

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

Introduced by **The President (Administration) and Senators Blount, Lawlah,  
Collins, Baker, Ruben, Hollinger, Conway, Bromwell, Middleton, Stone,  
Teitelbaum, Green, Dyson, Astle, Exum, and Van Hollen**

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.

\_\_\_\_\_  
President.

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; prohibiting a certain  
9 grant to a local education agency under certain circumstances; providing for  
10 certain reporting; defining certain terms; requiring the Governor to include  
11 funding in the budget to accomplish the purposes of this Act; and generally  
12 relating to grants for class size reduction assistance.

13 BY adding to  
14 Article - Education

1 Section 5-212  
2 Annotated Code of Maryland  
3 (1997 Replacement Volume and 1998 Supplement)

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

6 **Article - Education**

7 5-212.

8 (A) (1) IN THIS SECTION THE FOLLOWING TERMS HAVE THE MEANINGS  
9 INDICATED.

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

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

15 (II) \$39,000.

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

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

20 ~~(5)~~ (4) "PROFESSIONAL DEVELOPMENT, MATERIALS, AND FACILITIES  
21 COMPONENT" MEANS AN AMOUNT INTENDED TO COVER COSTS ASSOCIATED WITH  
22 CLASS SIZE REDUCTION EXPENSES OTHER THAN PERSONNEL COSTS.

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

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

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

30 (I) A READING COMPONENT; AND

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

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

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

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

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

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

14 (III) FOR FISCAL YEAR 2003 ~~AND EACH SUCCEEDING FISCAL YEAR,~~  
 15 BY DIVIDING THE READING FACTOR FOR THE LOCAL EDUCATION AGENCY BY ~~450~~ 250  
 16 AND MULTIPLYING THE RESULT BY THE FTE TEACHER AMOUNT FOR THE LOCAL  
 17 EDUCATION AGENCY;

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

21 (V) FOR FISCAL YEAR 2005 AND EACH SUCCEEDING FISCAL YEAR,  
 22 BY DIVIDING THE READING FACTOR FOR THE LOCAL EDUCATION AGENCY BY 150  
 23 AND MULTIPLYING THE RESULT BY THE FTE TEACHER AMOUNT FOR THE LOCAL  
 24 EDUCATION AGENCY.

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

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

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

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

36 (5) (4) (I) THE PROFESSIONAL DEVELOPMENT, MATERIALS, AND  
 37 FACILITIES COMPONENT FOR EACH LOCAL EDUCATION AGENCY SHALL BE  
 38 DETERMINED EACH YEAR BY THE STATE SUPERINTENDENT.

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

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

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

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

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

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

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

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

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

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

29 (4) THE PLAN SHALL SPECIFY HOW THE FUNDING SHALL BE INITIALLY  
30 TARGETED TOWARD HIGHER-RISK SCHOOLS AND SCHOOLS THAT SERVE  
31 DISADVANTAGED POPULATIONS.

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

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

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

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

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

10 (F) IN FISCAL YEAR 2001 AND EACH SUCCEEDING FISCAL YEAR, THE STATE  
11 SUPERINTENDENT SHALL EVALUATE EACH PLAN AND THE LOCAL EDUCATION  
12 AGENCY'S PROGRESS IN ACHIEVING THE GOALS OF THIS SECTION AND AWARD TO  
13 EACH LOCAL EDUCATION AGENCY A GRANT THAT DOES NOT EXCEED THE MAXIMUM  
14 MARYLAND LEARNING SUCCESS *PROGRAM* GRANT. THE STATE SUPERINTENDENT  
15 MAY GRANT AN AWARD WHICH IS LESS THAN THE MAXIMUM MARYLAND LEARNING  
16 SUCCESS *PROGRAM* GRANT:

17 (1) IF THE LOCAL EDUCATION AGENCY'S MARYLAND LEARNING  
18 SUCCESS *PROGRAM* PLAN DOES NOT REQUIRE THE FULL AMOUNT OF THE MAXIMUM  
19 MARYLAND LEARNING SUCCESS *PROGRAM* GRANT;

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

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

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

34 (5) FOR FISCAL YEARS 2001 AND 2002, IN LOCAL EDUCATION AGENCIES  
35 WHERE THE NUMBER OF PROVISIONALLY CERTIFIED TEACHERS EXCEEDS 2  
36 PERCENT OF THE TOTAL NUMBER OF TEACHERS, IF, IN THE JUDGMENT OF THE  
37 STATE SUPERINTENDENT, THE PLAN DOES NOT PROVIDE AN EFFECTIVE STRATEGY  
38 FOR REDUCING THE NUMBER OF PROVISIONALLY CERTIFIED TEACHERS TO 2  
39 PERCENT OF THE TOTAL NUMBER OF TEACHERS ~~BY JUNE 30, 2002.~~

40 (G) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (D)(2) OF THIS  
41 SECTION, THE STATE SUPERINTENDENT, ~~IN CONSULTATION WITH THE GOVERNOR,~~

1 MAY ANNUALLY WAIVE OR MODIFY THE GRANT REDUCTION PENALTY IN  
 2 SUBSECTION (D)(2) OF THIS SECTION, IF THE LOCAL EDUCATION AGENCY HAS  
 3 DEMONSTRATED IN WRITING THAT IT HAS MADE:

4 (1) SUBSTANTIAL EFFORTS TOWARDS REDUCING THE NUMBER OF  
 5 PROVISIONALLY CERTIFIED TEACHERS;

6 (2) SIGNIFICANT ATTEMPTS TO RECRUIT AND HIRE CERTIFIED  
 7 TEACHERS;

8 (3) SIGNIFICANT ATTEMPTS TO ASSIST ~~NONCERTIFIED~~ PROVISIONALLY  
 9 CERTIFIED TEACHERS IN BECOMING CERTIFIED IN THE STATE; AND

10 (4) SIGNIFICANT ATTEMPTS TO REHIRE RETIRED CERTIFIED TEACHERS.

11 (H) THE BOARD SHALL MEASURE SUBSTANTIAL EFFORTS BASED ON THE  
 12 CHANGE IN THE NUMBER OF PROVISIONALLY CERTIFIED TEACHERS FROM THE  
 13 ACTUAL NUMBER OF PROVISIONALLY CERTIFIED TEACHERS EMPLOYED AS OF  
 14 DECEMBER 1, 1999.

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

18 ~~(H)~~ (J) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
 19 A LOCAL EDUCATION AGENCY MAY NOT RECEIVE A MARYLAND LEARNING SUCCESS  
 20 PROGRAM GRANT UNLESS THE LOCAL EDUCATION AGENCY EXPENDS ITS FEDERAL  
 21 CLASS SIZE REDUCTION INITIATIVE GRANTS PROVIDED IN PUBLIC LAW 105-277 TO  
 22 REDUCE CLASS SIZES FOR READING INSTRUCTION IN THE FIRST AND SECOND  
 23 GRADES.

24 (2) IF A LOCAL EDUCATION AGENCY HAS A RATIO OF NO GREATER THAN  
 25 20 STUDENTS PER ONE TEACHER FOR READING INSTRUCTION IN THE FIRST AND  
 26 SECOND GRADES, PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY.

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

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

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

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

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

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

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

10 ~~(H)~~ ~~(L)~~ (M) FOR FISCAL YEAR 2001 AND EACH SUCCEEDING FISCAL YEAR,  
11 THE GOVERNOR SHALL INCLUDE FUNDS IN THE STATE BUDGET TO ACCOMPLISH  
12 THE PURPOSES OF THIS SECTION.

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

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

21 ~~SECTION 2.3.~~ SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take  
22 effect July 1, 1999.