

SENATE BILL 137

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1999 Regular Session  
9lr0229  
CF 9lr0215

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

Introduced and read first time: January 22, 1999

Assigned to: Budget and Taxation and Economic and Environmental Affairs

Reassigned: Economic and Environmental Affairs and Budget and Taxation, January  
28, 1999

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 26, 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; 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  
15 Section 5-212  
16 Annotated Code of Maryland  
17 (1997 Replacement Volume and 1998 Supplement)

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

1

**Article - Education**

2 5-212.

3 (A) (1) IN THIS SECTION THE FOLLOWING TERMS HAVE THE MEANINGS  
4 INDICATED.

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

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

10 (II) \$39,000.

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

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

15 ~~(5)~~ (4) "PROFESSIONAL DEVELOPMENT, MATERIALS, AND FACILITIES  
16 COMPONENT" MEANS AN AMOUNT INTENDED TO COVER COSTS ASSOCIATED WITH  
17 CLASS SIZE REDUCTION EXPENSES OTHER THAN PERSONNEL COSTS.

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

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

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

25 (I) A READING COMPONENT; AND

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

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

29 (2) FOR FISCAL YEAR 2003 AND EACH SUBSEQUENT FISCAL YEAR, THE  
30 AMOUNT OF THE MAXIMUM MARYLAND LEARNING SUCCESS GRANT SHALL BE  
31 REDUCED 5 PERCENT FOR EACH ~~5-~~ 1 PERCENT BY WHICH THE PERCENTAGE OF  
32 TOTAL TEACHERS IN THE LOCAL EDUCATION AGENCY WHO ARE PROVISIONALLY  
33 CERTIFIED EXCEEDS 2 PERCENT.

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

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

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

7 (III) FOR FISCAL YEAR 2003 ~~AND EACH SUCCEEDING FISCAL YEAR,~~  
 8 BY DIVIDING THE READING FACTOR FOR THE LOCAL EDUCATION AGENCY BY ~~450~~ 250  
 9 AND MULTIPLYING THE RESULT BY THE FTE TEACHER AMOUNT FOR THE LOCAL  
 10 EDUCATION AGENCY.;

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

14 (V) FOR FISCAL YEAR 2005 AND EACH SUCCEEDING FISCAL YEAR,  
 15 BY DIVIDING THE READING FACTOR FOR THE LOCAL EDUCATION AGENCY BY 150  
 16 AND MULTIPLYING THE RESULT BY THE FTE TEACHER AMOUNT FOR THE LOCAL  
 17 EDUCATION AGENCY.

18 ~~(4)~~ THE MATHEMATICS COMPONENT SHALL BE CALCULATED AS  
 19 FOLLOWS:

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

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

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

29 ~~(5)~~ (4) (I) THE PROFESSIONAL DEVELOPMENT, MATERIALS, AND  
 30 FACILITIES COMPONENT FOR EACH LOCAL EDUCATION AGENCY SHALL BE  
 31 DETERMINED EACH YEAR BY THE STATE SUPERINTENDENT.

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

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

1           (2)     THE PLAN SHALL DESCRIBE THE LOCAL EDUCATION AGENCY'S  
2 INTENDED USE OF FUNDING FROM MARYLAND LEARNING SUCCESS GRANTS,  
3 FEDERAL CLASS SIZE REDUCTION INITIATIVE GRANTS PROVIDED IN PUBLIC LAW  
4 105-277 AND ANY OTHER FEDERAL FUNDS PROVIDED SPECIFICALLY FOR THE  
5 PURPOSE OF ADDING TEACHERS.

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

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

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

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

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

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

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

23           (4)     THE PLAN SHALL SPECIFY HOW THE FUNDING SHALL BE INITIALLY  
24 TARGETED TOWARD HIGHER-RISK SCHOOLS AND SCHOOLS THAT SERVE  
25 DISADVANTAGED POPULATIONS.

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

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

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

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

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

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

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

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

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

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

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

35 (G) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (D)(2) OF THIS  
36 SECTION, THE STATE SUPERINTENDENT, IN CONSULTATION WITH THE GOVERNOR,  
37 MAY ANNUALLY WAIVE THE GRANT REDUCTION PENALTY IN SUBSECTION (D)(2) OF  
38 THIS SECTION, IF THE LOCAL EDUCATION AGENCY HAS DEMONSTRATED IN WRITING  
39 THAT IT HAS MADE:

40 (1) SUBSTANTIAL EFFORTS TOWARDS REDUCING THE NUMBER OF  
41 PROVISIONALLY CERTIFIED TEACHERS;

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

3           (3)     SIGNIFICANT ATTEMPTS TO ASSIST NONCERTIFIED TEACHERS IN  
4 BECOMING CERTIFIED IN THE STATE; AND

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

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

9     (I)     (1)     EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A  
10 LOCAL EDUCATION AGENCY MAY NOT RECEIVE A MARYLAND LEARNING SUCCESS  
11 PROGRAM GRANT UNLESS THE LOCAL EDUCATION AGENCY EXPENDS ITS FEDERAL  
12 CLASS SIZE REDUCTION INITIATIVE GRANTS PROVIDED IN PUBLIC LAW 105-277 TO  
13 REDUCE CLASS SIZES FOR READING INSTRUCTION IN THE FIRST AND SECOND  
14 GRADES.

15           (2)     IF A LOCAL EDUCATION AGENCY HAS A RATIO OF NO GREATER THAN  
16 20 STUDENTS PER ONE TEACHER FOR READING INSTRUCTION IN THE FIRST AND  
17 SECOND GRADES, PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY.

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

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

26           (3)     THE REPORT SHALL INCLUDE THE RESULTS OF THE PERFORMANCE  
27 INDICATORS SPECIFIED IN THE LOCAL EDUCATION AGENCY'S MARYLAND LEARNING  
28 SUCCESS PLAN.

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

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

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

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

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

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

7     SECTION 2. AND BE IT FURTHER ENACTED, That the Special Study  
8 Committee on Class Size Reduction Programs established pursuant to House Joint  
9 Resolution No. 15 of 1998 shall include in its report to the Governor and the General  
10 Assembly the benefits and necessity of reducing class sizes for mathematics in public  
11 schools.

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