

SENATE BILL 632

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1999 Regular Session
(9lr2210)

ENROLLED BILL

-- Budget and Taxation/Ways and Means --

Introduced by **Senators Van Hollen, Hoffman, Lawlah, Middleton, Ruben,
McFadden, Kasemeyer, Frosh, and Currie**

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 **Education - Maryland After-School Opportunity Act**

3 FOR the purpose of providing for the Maryland After-School Opportunity Act;
4 creating the Maryland After-School Opportunity Fund Program; requiring the
5 Governor to include certain amounts in the annual State budget for the Fund
6 Program *for a certain fiscal year*; requiring the Department of Human
7 Resources to administer the Fund; establishing a certain Advisory Board and a
8 certain Executive Committee in the Program; requiring the Executive
9 Committee to adopt certain regulations and standards governing the Maryland
10 After-School Opportunity Fund Program, make grants from the Fund to certain
11 applicants, prepare certain comprehensive plans, and submit certain reports
12 under certain circumstances; requiring the Executive Committee to use certain
13 criteria in selecting grant recipients under the Program; and generally relating
14 to the establishment of the Maryland After-School Opportunity Act and the
15 creation of the Maryland After-School Opportunity Fund Program to assist
16 parents in providing after-school care for children in the State.

1 BY adding to
2 Article 41 - Governor - Executive and Administrative Departments
3 Section 6-801 through 6-807, inclusive, to be under the new subtitle "Subtitle 8.
4 Maryland After-School Opportunity Fund Program"
5 Annotated Code of Maryland
6 (1997 Replacement Volume and 1998 Supplement)

7 Preamble

8 WHEREAS, Maryland has the opportunity to rise to the forefront of the
9 nation by fully investing in a well designed system of after-school opportunities for
10 its youth; and

11 WHEREAS, All children in the State should have the opportunity to engage in
12 productive, supervised activity when not in school; and

13 WHEREAS, Eighty percent of school children across the nation need
14 nonparental supervision because their parents work and at least one-third of these
15 students are left unsupervised; and

16 WHEREAS, Almost half of juvenile crime takes place between 2 p.m. and 8
17 p.m. each day and the after-school hours also are the most frequent time when
18 students are victims of crime and accidents; and

19 WHEREAS, Many parents need advice and financial assistance if they are to
20 locate and afford quality after-school programs; and

21 WHEREAS, A State fund of \$10 million in fiscal year 2001 can largely begin to
22 address the problem of children who are unsupervised after school in Maryland; and

23 WHEREAS, Some local governments need time to make effective plans to
24 invest State funding for after-school programs and may benefit from training grants;
25 and

26 WHEREAS, The long-term financial viability of after-school programs
27 depends on continued State investment, combined with local, private, and parental
28 support; now, therefore,

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

31 **Article 41 - Governor - Executive and Administrative Departments**

32 **SUBTITLE 8. MARYLAND AFTER-SCHOOL OPPORTUNITY FUND PROGRAM.**

33 6-801.

34 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
35 INDICATED.

1 (B) "ADVISORY BOARD" MEANS THE ADVISORY BOARD ON AFTER-SCHOOL
2 OPPORTUNITY PROGRAMS.

3 (C) "AFTER-SCHOOL OPPORTUNITY PROGRAMS" MEANS ENRICHMENT
4 PROGRAMS FOR SCHOOL AGE CHILDREN THAT TAKE PLACE:

5 (1) BEFORE SCHOOL STARTS EACH DAY AND AFTER SCHOOL ENDS EACH
6 DAY;

7 (2) ON WEEKENDS;

8 (3) ON HOLIDAYS;

9 (4) DURING VACATIONS; AND

10 (5) DURING SUMMER BREAK.

11 (D) "DEPARTMENT" MEANS THE DEPARTMENT OF HUMAN RESOURCES.

12 (E) "EXECUTIVE COMMITTEE" MEANS THE EXECUTIVE COMMITTEE OF THE
13 ADVISORY BOARD.

14 (F) (1) "FUND" MEANS THE MARYLAND AFTER-SCHOOL OPPORTUNITY
15 FUND.

16 (2) "FUND" DOES NOT INCLUDE MONEY PROVIDED UNDER THE
17 PURCHASE OF A CHILD CARE PROGRAM ADMINISTERED BY THE CHILD CARE
18 ADMINISTRATION OF THE DEPARTMENT OF HUMAN RESOURCES.

19 (G) "PROGRAM" MEANS THE MARYLAND AFTER-SCHOOL OPPORTUNITY FUND
20 PROGRAM.

21 (H) "TECHNICAL ASSISTANCE" INCLUDES ASSISTANCE IN THE
22 IDENTIFICATION AND IMPLEMENTATION OF EFFECTIVE PRACTICES FOR
23 AFTER-SCHOOL PROGRAMS.

24 6-802.

25 (A) THERE IS A MARYLAND AFTER-SCHOOL OPPORTUNITY FUND PROGRAM.

26 (B) THERE IS A MARYLAND AFTER-SCHOOL OPPORTUNITY FUND IN THE
27 PROGRAM.

28 (C) THE EXECUTIVE COMMITTEE, IN CONSULTATION WITH THE ADVISORY
29 BOARD, SHALL ADMINISTER THE PROGRAM.

30 (D) THE EXECUTIVE COMMITTEE SHALL CONSULT WITH THE MARYLAND
31 PARTNERSHIP FOR CHILDREN, YOUTH, AND FAMILIES IN DEVELOPING THE
32 PROGRAM'S STANDARDS AND IN OPERATING THE PROGRAM.

1 6-803.

2 (A) THERE IS AN ADVISORY BOARD ON AFTER-SCHOOL OPPORTUNITY
3 PROGRAMS IN THE PROGRAM.

4 (B) THE ADVISORY BOARD SHALL CONSIST OF THE FOLLOWING INDIVIDUALS:

5 (1) THE GOVERNOR OR THE GOVERNOR'S DESIGNEE;

6 (2) THE PRESIDENT OF THE SENATE OF MARYLAND OR THE
7 PRESIDENT'S DESIGNEE;

8 (3) THE SPEAKER OF THE HOUSE OF DELEGATES OF MARYLAND OR THE
9 SPEAKER'S DESIGNEE;

10 (4) THE STATE SUPERINTENDENT OF SCHOOLS OR THE
11 SUPERINTENDENT'S DESIGNEE;

12 (5) THE SECRETARIES OF EDUCATION, HEALTH AND MENTAL HYGIENE,
13 JUVENILE JUSTICE, AND HUMAN RESOURCES OR THEIR DESIGNEES;

14 ~~(5)~~ (6) THE SPECIAL SECRETARY OF THE OFFICE FOR CHILDREN,
15 YOUTH, AND FAMILIES OR THE SPECIAL SECRETARY'S DESIGNEE;

16 ~~(6)~~ (7) ONE REPRESENTATIVE OF THE OFFICE OF CRIME CONTROL
17 AND PREVENTION DESIGNATED BY THE GOVERNOR; AND

18 ~~(7)~~ (8) ~~NINE EIGHTEEN~~ FIFTEEN INDIVIDUALS SERVING 2-YEAR
19 TERMS, TO BE APPOINTED BY THE GOVERNOR, AS FOLLOWS:

20 (I) TWO MEMBERS WHO REPRESENT THE CHILDREN'S ADVOCACY
21 COMMUNITY ~~AND ARE NOT EMPLOYED BY AN ORGANIZATION THAT IS OR MAY BE A~~
22 ~~RECIPIENT OF MONEY FROM THE FUND;~~

23 (II) ~~TWO MEMBERS WHO REPRESENT THE INTERESTS OF THE~~
24 ~~AFTER-SCHOOL PROVIDER COMMUNITY, INCLUDING A REGISTERED OR LICENSED~~
25 ~~CHILD-CARE PROVIDER WHO SERVES SCHOOL-AGE CHILDREN;~~

26 (III) TWO MEMBERS WHO ARE PARENTS OF STUDENTS ENROLLED
27 IN THE STATE IN KINDERGARTEN THROUGH GRADE 12;

28 ~~(IV)~~ (III) TWO MEMBERS WHO ARE STUDENTS ENROLLED IN THE
29 STATE IN GRADES 6 THROUGH 12; ~~AND~~

30 ~~(V)~~ (IV) ONE TEACHER WHO IS WORKING IN A SCHOOL IN THE
31 STATE;

32 ~~(VI)~~ (V) ONE MEMBER OF A LOCAL MANAGEMENT BOARD;

33 ~~(VII)~~ (VI) ONE MEMBER OF A LOCAL BOARD OF EDUCATION;

1 ~~(VIII)~~ (VII) ONE MEMBER WHO IS A REGISTERED FAMILY CHILD CARE
 2 PROVIDER WHO SERVES SCHOOL AGE CHILDREN;

3 ~~(IX)~~ (VIII) ONE MEMBER WHO IS A STAFF MEMBER OF A LICENSED
 4 CHILD CARE CENTER THAT SERVES SCHOOL AGE CHILDREN;

5 ~~(X)~~ (IX) TWO MEMBERS OF THE AFTER-SCHOOL PROVIDER
 6 COMMUNITY WHO REPRESENT PROVIDERS NOT INCLUDED IN ITEMS (VIII) AND (IX)
 7 OF THIS ITEM;

8 ~~(XI)~~ (X) ONE MEMBER WHO REPRESENTS THE CONCERNS OF
 9 DEVELOPMENTALLY DISABLED CHILDREN; AND

10 ~~(XII)~~ (XI) ONE MEMBER WHO IS A PROFESSIONAL IN THE FIELD OF
 11 RECREATION AND PARKS THAT DELIVERS LICENSED OR REGULATED CHILD CARE
 12 PROGRAMS.

13 (C) (1) THERE IS AN EXECUTIVE COMMITTEE OF THE ADVISORY BOARD.

14 (2) THE EXECUTIVE COMMITTEE CONSISTS OF THE FOLLOWING
 15 INDIVIDUALS:

16 (I) THE GOVERNOR OR THE GOVERNOR'S DESIGNEE;

17 (II) THE SECRETARY OF HUMAN RESOURCES OR THE SECRETARY'S
 18 DESIGNEE;

19 (III) ~~THE SECRETARY OF EDUCATION OR THE SECRETARY'S STATE~~
 20 SUPERINTENDENT OF SCHOOLS OR THE SUPERINTENDENT'S DESIGNEE;

21 (IV) THE SECRETARY OF JUVENILE JUSTICE OR THE SECRETARY'S
 22 DESIGNEE; ~~AND~~

23 (V) THE SECRETARY OF HEALTH AND MENTAL HYGIENE OR THE
 24 SECRETARY'S DESIGNEE; AND

25 ~~(VI)~~ (VI) THE SPECIAL SECRETARY OF THE OFFICE FOR CHILDREN,
 26 YOUTH, AND FAMILIES OR THE SPECIAL SECRETARY'S DESIGNEE.

27 (D) (1) THE GOVERNOR SHALL SERVE AS THE CHAIR OF THE ADVISORY
 28 BOARD AND OF THE EXECUTIVE COMMITTEE.

29 (2) THE GOVERNOR MAY DESIGNATE THE LIEUTENANT GOVERNOR OR
 30 ONE OF THE SECRETARIES SERVING ON THE ADVISORY COMMITTEE AND THE
 31 EXECUTIVE COMMITTEE TO ACT AS CHAIR IN THE GOVERNOR'S ABSENCE.

32 6-804.

33 (A) THE DEPARTMENT SHALL ADMINISTER THE FUND AS DIRECTED BY THE
 34 EXECUTIVE COMMITTEE.

1 (B) (I) PRIOR TO FINAL ACTION BY THE EXECUTIVE COMMITTEE, THE
2 ADVISORY BOARD SHALL REVIEW AND MAKE RECOMMENDATIONS ON:

- 3 ~~(+)~~ (I) PROGRAM STANDARDS;
4 ~~(=)~~ (II) REQUESTS FOR PROPOSALS; AND
5 ~~(=)~~ (III) CRITERIA FOR AWARDING GRANTS.

6 (2) A MEMBER OF THE ADVISORY BOARD MAY NOT VOTE ON OR MAKE
7 ANY RECOMMENDATION TO THE EXECUTIVE COMMITTEE IF THE MEMBER HAS A
8 FINANCIAL INTEREST THAT MAY BE SUBSTANTIALLY AFFECTED BY THAT
9 RECOMMENDATION.

10 (C) (1) ON OR BEFORE DECEMBER 15 OF EACH YEAR, THE EXECUTIVE
11 COMMITTEE, IN CONSULTATION WITH THE ADVISORY BOARD, SHALL REVIEW AND
12 UPDATE THE COMPREHENSIVE PLAN OF AFTER-SCHOOL OPPORTUNITY PROGRAMS
13 AS DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION.

14 (2) THE COMPREHENSIVE PLAN SHALL ADDRESS AT LEAST THE
15 FOLLOWING ISSUES:

- 16 (I) INTEGRATION OF PUBLIC AND PRIVATE FUNDING SOURCES;
17 (II) MAXIMIZATION OF FEDERAL FUNDING OPPORTUNITIES;
18 (III) CONSIDERATION OF SPECIAL NEEDS OF DEVELOPMENTALLY
19 DISABLED CHILDREN, INCLUDING NEEDED SERVICES, SUPPORTS, AND
20 APPROPRIATE PROVIDER TRAINING;

21 ~~(III)~~ (IV) PROMOTION OF THE USE OF SCHOOL BUILDINGS AND
22 LOCAL PUBLIC TRANSPORTATION RESOURCES FOR AFTER-SCHOOL OPPORTUNITY
23 PROGRAMS;

24 ~~(IV)~~ (V) WHERE APPLICABLE, USE OF THE LOCAL CHILD CARE
25 RESOURCE AND REFERRAL CENTERS OF THE MARYLAND CHILD CARE RESOURCE
26 NETWORK FOR TECHNICAL ASSISTANCE PURPOSES;

27 ~~(V)~~ (VI) PROMOTION OF CONTINUED EXPANSION OF HIGH
28 QUALITY AFTER-SCHOOL OPPORTUNITY PROGRAMS IN THE STATE; AND

29 ~~(VI)~~ (VII) CONSIDERATION OF IMPLEMENTING THE FULL RANGE OF
30 OPTIONS FOR IMPROVING THE DELIVERY OF AFTER-SCHOOL OPPORTUNITY
31 PROGRAMS, INCLUDING THE POTENTIAL EXPANSION OF THE PURCHASE OF A CARE
32 VOUCHER SYSTEM.

33 (D) (1) EACH FISCAL YEAR, IN CONSULTATION WITH THE ADVISORY BOARD
34 AND SUBJECT TO THE AVAILABILITY OF MONEY IN THE FUND, THE EXECUTIVE
35 COMMITTEE SHALL ISSUE A REQUEST FOR PROPOSALS UNDER THE STATE
36 PROCUREMENT LAW SOLICITING BIDS FOR A GRANT FROM THE FUND.

1 (2) ~~SUBJECT TO SUBSECTION (B)(2) OF THIS SECTION,~~ THE EXECUTIVE
2 COMMITTEE MAY AWARD A GRANT FROM THE FUND TO AN APPLICANT ONLY AFTER
3 CONSULTATION WITH THE ADVISORY BOARD AND UPON A FAVORABLE VOTE OF ~~AT~~
4 ~~LEAST THREE~~ A MAJORITY OF THE MEMBERS OF THE EXECUTIVE COMMITTEE.

5 (3) IN ANY FISCAL YEAR, THE TOTAL GRANTS AWARDED TO APPLICANTS
6 OPERATING WITHIN A PARTICULAR COUNTY MAY NOT EXCEED ~~25%~~ 15% OF THE
7 TOTAL GRANTS AWARDED IN THAT FISCAL YEAR.

8 (4) THE EXECUTIVE COMMITTEE MUST IDENTIFY AND ENSURE THAT A
9 RESPONSIBLE ORGANIZATION WILL ADMINISTER ANY GRANT AWARDED FROM THE
10 FUND.

11 (E) IN SELECTING AN ORGANIZATION TO ADMINISTER A GRANT FROM THE
12 FUND, THE EXECUTIVE COMMITTEE SHALL SELECT THE RESPONSIVE AND
13 RESPONSIBLE BIDDER WHOSE APPLICATION BEST INCORPORATES FEATURES THAT
14 WILL HAVE A POSITIVE MEASURABLE IMPACT ON ONE OR MORE OF THE CONDITIONS
15 OF WELL-BEING FOR MARYLAND CHILDREN AND YOUTH IDENTIFIED BY THE ~~OFFICE~~
16 MARYLAND PARTNERSHIP FOR CHILDREN, YOUTH, AND FAMILIES.

17 (F) THE EXECUTIVE COMMITTEE MAY AWARD A PLANNING GRANT FROM THE
18 FUND TO ASSIST AN ORGANIZATION IN A COUNTY TO PREPARE AN APPLICATION FOR
19 A GRANT FOR THE NEXT FISCAL YEAR.

20 6-805.

21 SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE EXECUTIVE
22 COMMITTEE SHALL REPORT BY DECEMBER 31 OF EACH YEAR TO THE GENERAL
23 ASSEMBLY ON THE IMPLEMENTATION OF THE PROGRAM, INCLUDING AN
24 EVALUATION OF THE EFFECTIVENESS OF THE AFTER-SCHOOL OPPORTUNITY
25 PROGRAMS FUNDED BY GRANTS UNDER THE PROGRAM.

26 6-806.

27 THE EXECUTIVE COMMITTEE SHALL ADOPT REGULATIONS TO CARRY OUT THE
28 PROVISIONS OF THIS SUBTITLE.

29 6-807.

30 THIS SUBTITLE MAY BE CITED AS THE MARYLAND AFTER-SCHOOL
31 OPPORTUNITY ACT.

32 SECTION 2. AND BE IT FURTHER ENACTED, That the Governor shall
33 include \$10 million in the fiscal year 2001 State budget for the Maryland
34 After-School Opportunity Fund established under this Act, and that such funds shall
35 be in addition to funds provided for child care and after-school programs in the fiscal
36 year 2000 budget.

37 SECTION 3. AND BE IT FURTHER ENACTED, That the Executive Committee
38 of the Advisory Board on After-School Opportunity Programs shall develop, in

1 consultation with the Advisory Board, the first comprehensive plan of after-school
2 opportunity programs, as specified in this Act, no later than December 15, 1999.

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