

SENATE BILL 632

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1999 Regular Session  
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By: **Senators Van Hollen, Hoffman, Lawlah, Middleton, Ruben, McFadden,  
Kasemeyer, Frosh, and Currie**

Introduced and read first time: February 5, 1999

Assigned to: Budget and Taxation

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

17 BY adding to  
18 Article 41 - Governor - Executive and Administrative Departments  
19 Section 6-801 through 6-807, inclusive, to be under the new subtitle "Subtitle 8.  
20 Maryland After-School Opportunity Fund Program"  
21 Annotated Code of Maryland  
22 (1997 Replacement Volume and 1998 Supplement)

1 Preamble

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

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

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

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

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

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

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

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

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

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

26 SUBTITLE 8. MARYLAND AFTER-SCHOOL OPPORTUNITY FUND PROGRAM.

27 6-801.

28 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
29 INDICATED.

30 (B) "ADVISORY BOARD" MEANS THE ADVISORY BOARD ON AFTER-SCHOOL  
31 OPPORTUNITY PROGRAMS.

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

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

3 (2) ON WEEKENDS;

4 (3) ON HOLIDAYS;

5 (4) DURING VACATIONS; AND

6 (5) DURING SUMMER BREAK.

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

8 (E) "EXECUTIVE COMMITTEE" MEANS THE EXECUTIVE COMMITTEE OF THE  
9 ADVISORY BOARD.

10 (F) (1) "FUND" MEANS THE MARYLAND AFTER-SCHOOL OPPORTUNITY  
11 FUND.

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

15 (G) "PROGRAM" MEANS THE MARYLAND AFTER-SCHOOL OPPORTUNITY FUND  
16 PROGRAM.

17 (H) "TECHNICAL ASSISTANCE" INCLUDES ASSISTANCE IN THE  
18 IDENTIFICATION AND IMPLEMENTATION OF EFFECTIVE PRACTICES FOR  
19 AFTER-SCHOOL PROGRAMS.

20 6-802.

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

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

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

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

29 6-803.

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

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

- 1 (1) THE GOVERNOR OR THE GOVERNOR'S DESIGNEE;
- 2 (2) THE PRESIDENT OF THE SENATE OF MARYLAND OR THE  
3 PRESIDENT'S DESIGNEE;
- 4 (3) THE SPEAKER OF THE HOUSE OF DELEGATES OF MARYLAND OR THE  
5 SPEAKER'S DESIGNEE;
- 6 (4) THE STATE SUPERINTENDENT OF SCHOOLS OR THE  
7 SUPERINTENDENT'S DESIGNEE;
- 8 (5) THE SECRETARIES OF ~~EDUCATION~~ HEALTH AND MENTAL HYGIENE,  
9 JUVENILE JUSTICE, AND HUMAN RESOURCES OR THEIR DESIGNEES;
- 10 ~~(5)~~ (6) THE SPECIAL SECRETARY OF THE OFFICE FOR CHILDREN,  
11 YOUTH, AND FAMILIES OR THE SPECIAL SECRETARY'S DESIGNEE;
- 12 ~~(6)~~ (7) ONE REPRESENTATIVE OF THE OFFICE OF CRIME CONTROL  
13 AND PREVENTION DESIGNATED BY THE GOVERNOR; AND
- 14 ~~(7)~~ (8) ~~NINE~~ EIGHTEEN INDIVIDUALS SERVING 2-YEAR TERMS, TO BE  
15 APPOINTED BY THE GOVERNOR, AS FOLLOWS:
- 16 (I) TWO MEMBERS WHO REPRESENT THE CHILDREN'S ADVOCACY  
17 COMMUNITY AND ARE NOT EMPLOYED BY AN ORGANIZATION THAT IS OR MAY BE A  
18 RECIPIENT OF MONEY FROM THE FUND;
- 19 (II) TWO MEMBERS WHO REPRESENT THE INTERESTS OF THE  
20 AFTER-SCHOOL PROVIDER COMMUNITY, INCLUDING A REGISTERED OR LICENSED  
21 CHILD CARE PROVIDER WHO SERVES SCHOOL-AGE CHILDREN;
- 22 (III) TWO MEMBERS WHO ARE PARENTS OF STUDENTS ENROLLED  
23 IN THE STATE IN KINDERGARTEN THROUGH GRADE 12;
- 24 (IV) TWO MEMBERS WHO ARE STUDENTS ENROLLED IN THE STATE  
25 IN GRADES 6 THROUGH 12; ~~AND~~
- 26 (V) ONE TEACHER WHO IS WORKING IN A SCHOOL IN THE STATE;
- 27 (VI) ONE MEMBER OF A LOCAL MANAGEMENT BOARD;
- 28 (VII) ONE MEMBER OF A LOCAL BOARD OF EDUCATION;
- 29 (VIII) ONE MEMBER WHO IS A REGISTERED FAMILY CHILD CARE  
30 PROVIDER WHO SERVES SCHOOL AGE CHILDREN;
- 31 (IX) ONE MEMBER WHO IS A STAFF MEMBER OF A LICENSED CHILD  
32 CARE CENTER THAT SERVES SCHOOL AGE CHILDREN;

1 (X) TWO MEMBERS OF THE AFTER-SCHOOL PROVIDER  
 2 COMMUNITY WHO REPRESENT PROVIDERS NOT INCLUDED IN ITEMS (VIII) AND (IX)  
 3 OF THIS ITEM;

4 (XI) ONE MEMBER WHO REPRESENTS THE CONCERNS OF  
 5 DEVELOPMENTALLY DISABLED CHILDREN; AND

6 (XII) ONE MEMBER WHO IS A PROFESSIONAL IN THE FIELD OF  
 7 RECREATION AND PARKS THAT DELIVERS LICENSED OR REGULATED CHILD CARE  
 8 PROGRAMS.

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

10 (2) THE EXECUTIVE COMMITTEE CONSISTS OF THE FOLLOWING  
 11 INDIVIDUALS:

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

13 (II) THE SECRETARY OF HUMAN RESOURCES OR THE SECRETARY'S  
 14 DESIGNEE;

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

17 (IV) THE SECRETARY OF JUVENILE JUSTICE OR THE SECRETARY'S  
 18 DESIGNEE; ~~AND~~

19 (V) THE SECRETARY OF HEALTH AND MENTAL HYGIENE OR THE  
 20 SECRETARY'S DESIGNEE; AND

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

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

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

28 6-804.

29 (A) THE DEPARTMENT SHALL ADMINISTER THE FUND AS DIRECTED BY THE  
 30 EXECUTIVE COMMITTEE.

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

33 (1) PROGRAM STANDARDS;

34 (2) REQUESTS FOR PROPOSALS; AND

1 (3) CRITERIA FOR AWARDING GRANTS.

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

6 (2) THE COMPREHENSIVE PLAN SHALL ADDRESS AT LEAST THE  
7 FOLLOWING ISSUES:

8 (I) INTEGRATION OF FUNDING SOURCES;

9 (II) MAXIMIZATION OF FEDERAL FUNDING OPPORTUNITIES;

10 (III) PROMOTION OF THE USE OF SCHOOL BUILDINGS AND LOCAL  
11 PUBLIC TRANSPORTATION RESOURCES FOR AFTER-SCHOOL OPPORTUNITY  
12 PROGRAMS;

13 (IV) WHERE APPLICABLE, USE OF THE LOCAL CHILD CARE  
14 RESOURCE AND REFERRAL CENTERS OF THE MARYLAND CHILD CARE RESOURCE  
15 NETWORK FOR TECHNICAL ASSISTANCE PURPOSES;

16 (V) PROMOTION OF CONTINUED EXPANSION OF HIGH QUALITY  
17 AFTER-SCHOOL OPPORTUNITY PROGRAMS IN THE STATE; AND

18 (VI) CONSIDERATION OF IMPLEMENTING THE FULL RANGE OF  
19 OPTIONS FOR IMPROVING THE DELIVERY OF AFTER-SCHOOL OPPORTUNITY  
20 PROGRAMS, INCLUDING THE POTENTIAL EXPANSION OF THE PURCHASE OF A CARE  
21 VOUCHER SYSTEM.

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

26 (2) THE EXECUTIVE COMMITTEE MAY AWARD A GRANT FROM THE FUND  
27 TO AN APPLICANT ONLY AFTER CONSULTATION WITH THE ADVISORY BOARD AND  
28 UPON A FAVORABLE VOTE OF ~~AT LEAST THREE~~ A MAJORITY OF THE MEMBERS OF  
29 THE EXECUTIVE COMMITTEE.

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

33 (4) THE EXECUTIVE COMMITTEE MUST IDENTIFY AND ENSURE THAT A  
34 RESPONSIBLE ORGANIZATION WILL ADMINISTER ANY GRANT AWARDED FROM THE  
35 FUND.

36 (E) IN SELECTING AN ORGANIZATION TO ADMINISTER A GRANT FROM THE  
37 FUND, THE EXECUTIVE COMMITTEE SHALL SELECT THE RESPONSIVE AND

1 RESPONSIBLE BIDDER WHOSE APPLICATION BEST INCORPORATES FEATURES THAT  
2 WILL HAVE A POSITIVE IMPACT ON ONE OR MORE OF THE CONDITIONS OF  
3 WELL-BEING FOR MARYLAND CHILDREN AND YOUTH IDENTIFIED BY THE ~~OFFICE~~  
4 MARYLAND PARTNERSHIP FOR CHILDREN, YOUTH, AND FAMILIES.

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

8 6-805.

9 SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE EXECUTIVE  
10 COMMITTEE SHALL REPORT BY DECEMBER 31 OF EACH YEAR TO THE GENERAL  
11 ASSEMBLY ON THE IMPLEMENTATION OF THE PROGRAM, INCLUDING AN  
12 EVALUATION OF THE EFFECTIVENESS OF THE AFTER-SCHOOL OPPORTUNITY  
13 PROGRAMS FUNDED BY GRANTS UNDER THE PROGRAM.

14 6-806.

15 THE EXECUTIVE COMMITTEE SHALL ADOPT REGULATIONS TO CARRY OUT THE  
16 PROVISIONS OF THIS SUBTITLE.

17 6-807.

18 THIS SUBTITLE MAY BE CITED AS THE MARYLAND AFTER-SCHOOL  
19 OPPORTUNITY ACT.

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

25 SECTION 3. AND BE IT FURTHER ENACTED, That the Executive Committee  
26 of the Advisory Board on After-School Opportunity Programs shall develop, in  
27 consultation with the Advisory Board, the first comprehensive plan of after-school  
28 opportunity programs, as specified in this Act, no later than December 15, 1999.

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

