

BY: Conference Committee

AMENDMENTS TO HOUSE BILL NO. 1247, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 14, before “defining” insert “establishing the Maryland Academic Intervention and Support Program; providing that the Program be funded in a certain manner and that the funds be used for certain purposes; requiring the State Board of Education to develop certain criteria by which county boards of education may submit certain plans for approval with regard to the Program; authorizing schools to determine student eligibility for the Program; providing for parental consent for student participation in the Program; requiring the State Board to establish criteria for evaluating the Program and to make a certain report; requiring the State Department of Education to adopt certain regulations; authorizing the Cigarette Restitution Fund to be used for certain purposes for a certain fiscal year; providing that a certain amount of funds credited to the Cigarette Restitution Fund in a certain fiscal year may only be used for certain purposes;”.

On page 2 of the bill, in line 23, after “5-213” insert “and 7-208”.

AMENDMENT NO. 2

On page 1 of the Budget and Taxation Committee Amendments (HB1247/739131/1), in line 2 of Amendment No. 2, strike “APPLIES TO” and substitute “APPLIES”.

On page 3 of the bill, in line 7, strike “ALL EMPLOYEES;”; and in lines 7 and 8, strike “EMPLOYED BY A COUNTY BOARD”.

AMENDMENT NO. 3

On page 3 of the bill, in line 36, strike “AND”; and after line 36, insert:

“(III) A HOLD HARMLESS COMPONENT;”.

(Over)

On page 4 of the bill, in line 3, strike “(III)” and substitute “(IV)”; and in the same line, after “COMPONENT” insert “; AND”

(V) A TRANSITIONAL COMPONENT”.

AMENDMENT NO. 4

On page 4 of the bill, in line 20, after “(I)” insert “1.”; in line 22, strike “(II)” and substitute “2.”; in line 23, strike “ITEM (I) OF THIS PARAGRAPH” and substitute “ITEM 1 OF THIS ITEM”; in line 24, strike the period and substitute “; AND”; in line 25, strike “(4)” and substitute “(II)”; in the same line, strike “(I)” and substitute “1.”; in lines 25 and 26, strike “PARAGRAPH (3) OF THIS SUBSECTION” and substitute “ITEM (I) OF THIS PARAGRAPH”; in line 29, strike “(II)” and substitute “2.”; and in lines 29 and 30, strike “PARAGRAPH (3) OF THIS SUBSECTION” and substitute “ITEM (I) OF THIS PARAGRAPH”.

AMENDMENT NO. 5

On page 4 of the bill, after line 32, insert:

“(4) (I) THE GOVERNOR’S TEACHER SALARY CHALLENGE GRANT TO A COUNTY BOARD SHALL CONTAIN A HOLD HARMLESS COMPONENT EQUAL TO THE AMOUNT, IF ANY, BY WHICH THE COUNTY BOARD’S STATE SHARE OF BASIC CURRENT EXPENSE CALCULATED UNDER § 5-202 OF THIS SUBTITLE FOR THE YEAR OF THE GOVERNOR’S TEACHER SALARY CHALLENGE GRANT IS LESS THAN THE COUNTY BOARD’S STATE SHARE OF BASIC CURRENT EXPENSE CALCULATED UNDER § 5-202 OF THIS SUBTITLE FOR THE PREVIOUS YEAR.

(II) A COUNTY BOARD SHALL RECEIVE ITS HOLD HARMLESS COMPONENT REGARDLESS OF WHETHER IT MEETS THE LOCAL MATCH REQUIREMENT ESTABLISHED UNDER SUBSECTION (F)(2) OF THIS SECTION.”.

AMENDMENT NO. 6

On page 5 of the bill, before line 24, insert:

“(6) (I) THE GOVERNOR’S TEACHER SALARY CHALLENGE GRANT SHALL CONTAIN A TRANSITIONAL COMPONENT AS PROVIDED IN SUBPARAGRAPHS

(II) AND (III) OF THIS PARAGRAPH.

(II) FOR FISCAL YEAR 2001, THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET AN APPROPRIATION OF AT LEAST \$9 MILLION FOR THE TRANSITIONAL COMPONENT.

(III) A COUNTY BOARD SHALL RECEIVE A PROPORTIONATE SHARE OF THE TRANSITIONAL COMPONENT THAT IS EQUAL TO THE COUNTY BOARD'S PROPORTIONATE SHARE OF ALL REIMBURSEMENTS RECEIVED BY THE STATE FROM THE COUNTY BOARD THAT:

1. ARE FOR RETIREMENT CONTRIBUTIONS RECEIVED AFTER JUNE 30, 1999 BUT BEFORE JULY 1, 2000; AND

2. ARE SOUGHT BY THE STATE RETIREMENT AGENCY ON THE BASIS THAT THE SALARY OF AN ELIGIBLE MEMBER OF THE TEACHERS' RETIREMENT SYSTEM OR TEACHERS' PENSION SYSTEM IS PAID IN WHOLE OR IN PART FROM:

A. STATE AID, WHETHER GENERAL OR CATEGORICAL IN NATURE; OR

B. FEDERAL FUNDS, WHETHER THE FUNDS ARE PAID DIRECTLY TO A COUNTY BOARD OR ARE PASSED THROUGH FROM A UNIT OF STATE GOVERNMENT.

(IV) A COUNTY BOARD SHALL RECEIVE ITS PROPORTIONATE SHARE OF THE TRANSITIONAL COMPONENT REGARDLESS OF WHETHER IT MEETS THE LOCAL MATCH REQUIREMENT ESTABLISHED UNDER SUBSECTION (F)(2) OF THIS SECTION."

AMENDMENT NO. 7

On page 9 of the bill, in line 14, after "OF" insert "\$18,000,000 OF REIMBURSEMENTS FOR FISCAL YEAR 2000 AND"; in the same line, after "REIMBURSEMENTS" insert "FOR

(Over)

FISCAL YEARS 2001 AND 2002"; and in line 17, strike "2000" and substitute "1999".

AMENDMENT NO. 8

On page 12 of the bill, before line 13, insert:

"Article - Education

7-208.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "ACADEMIC INTERVENTION PROGRAMS" MEANS ACADEMIC PROGRAMS WITH CURRICULUM-BASED INSTRUCTION THAT MAY TAKE PLACE:

(I) BEFORE SCHOOL STARTS EACH DAY AND AFTER SCHOOL ENDS EACH DAY;

(II) DURING THE REGULAR SCHOOL DAY, PROVIDED THERE IS NO CONTINUAL CONFLICT WITH CURRICULUM-BASED INSTRUCTION;

(III) ON WEEKENDS;

(IV) ON HOLIDAYS;

(V) DURING VACATIONS; OR

(VI) DURING SUMMER BREAK.

(3) "CURRICULUM-BASED INSTRUCTION" MEANS INSTRUCTION BASED ON CURRICULUM GUIDES AND COURSES OF STUDY DEVELOPED BY EACH COUNTY IN ACCORDANCE WITH § 4-111 OF THIS ARTICLE.

(4) "PROGRAM" MEANS THE MARYLAND ACADEMIC INTERVENTION AND SUPPORT PROGRAM ESTABLISHED UNDER THIS SECTION.

(B) (1) THERE IS A MARYLAND ACADEMIC INTERVENTION AND SUPPORT PROGRAM IN THE DEPARTMENT.

(2) THE PURPOSE OF THE PROGRAM IS TO PROVIDE ACADEMIC INTERVENTION PROGRAMS FOR STUDENTS WHO HAVE DEMONSTRATED DEFICIENCIES IN READING OR MATHEMATICS.

(3) THE PROGRAM SHALL BE FUNDED AS PROVIDED IN THE STATE BUDGET.

(4) THE FUNDS THAT ARE ALLOCATED TO THE PROGRAM IN THE STATE BUDGET SHALL BE USED TO:

(I) COVER THE COSTS INCURRED BY THE DEPARTMENT IN IMPLEMENTING AND ADMINISTERING THE PROGRAM; AND

(II) PROVIDE GRANTS TO COUNTY BOARDS AS AUTHORIZED UNDER SUBSECTION (G) OF THIS SECTION.

(C) (1) THE STATE BOARD SHALL DEVELOP CRITERIA BY WHICH COUNTY BOARDS MAY SUBMIT PLANS FOR APPROVAL THAT ADDRESS GOALS AND STRATEGIES FOR INTERVENING WITH STUDENTS WHO HAVE DEMONSTRATED DEFICIENCIES IN READING OR MATHEMATICS, INCLUDING:

(I) STATE APPROVED BEST PRACTICES FOR ACADEMIC INTERVENTION;

(II) A CATALOG OF PROMISING STATE APPROVED PRACTICES THAT WOULD QUALIFY FOR A COUNTY BOARD'S IMPLEMENTATION OF ACADEMIC INTERVENTION PROGRAMS; AND

(III) A LIST OF APPROVED PERSONS THAT MAY PROVIDE

(Over)

ACADEMIC INTERVENTION PROGRAMS, IN ACCORDANCE WITH PARAGRAPH (2)(II) OF THIS SUBSECTION.

(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS SUBSECTION, A SCHOOL SHALL PROVIDE INSTRUCTION USING SCHOOL STAFF AND MATERIALS.

(II) IF A COUNTY BOARD IS UNABLE TO PROVIDE THE CURRICULUM-BASED INSTRUCTION OF THE ACADEMIC INTERVENTION PROGRAM WITH SCHOOL STAFF AND MATERIALS, A COUNTY BOARD MAY SELECT A PERSON APPROVED BY THE STATE BOARD TO PROVIDE EXTENDED ACADEMIC INSTRUCTION.

(D) THE SCHOOLS SHALL DETERMINE A STUDENT'S ELIGIBILITY FOR THE PROGRAM BASED ON THE STUDENT'S PERFORMANCE ON MARYLAND SCHOOL PERFORMANCE ASSESSMENT PROGRAM TESTS, STANDARDIZED TESTS, CLASSROOM TESTS, AND ANY OTHER CRITERIA THE STATE BOARD DEEMS APPROPRIATE.

(E) (1) THE COUNTY BOARDS SHALL DEVELOP OR APPROPRIATELY ADAPT AN EXISTING PARENTAL CONSENT FORM FOR THE PROVISION OF ACADEMIC INTERVENTION INSTRUCTION.

(2) A PARENT OR GUARDIAN OF A STUDENT SELECTED FOR THE PROGRAM SHALL PROVIDE WRITTEN CONSENT FOR THE STUDENT'S PARTICIPATION IN THE PROGRAM TO THE STUDENT'S SCHOOL PRIOR TO THE STUDENT'S PARTICIPATION IN THE PROGRAM.

(F) (1) THE STATE BOARD SHALL ESTABLISH CRITERIA FOR EVALUATING THE PROGRAM.

(2) ON OR BEFORE JUNE 30 OF EACH YEAR, EACH COUNTY BOARD SHALL SUBMIT A REPORT TO THE STATE BOARD THAT INCLUDES AN EVALUATION OF THE STATUS AND SUCCESS OF THE PROGRAM IN THAT COUNTY.

(3) THE REPORT SUBMITTED BY A COUNTY BOARD UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL:

(I) IDENTIFY THE NUMBER OF STUDENTS IN THE COUNTY WHO WERE ELIGIBLE TO PARTICIPATE IN THE PROGRAM DURING THE PRIOR SCHOOL YEAR;

(II) IDENTIFY THE NUMBER OF STUDENTS IN THE COUNTY WHO WERE SELECTED TO PARTICIPATE IN THE PROGRAM DURING THE PRIOR SCHOOL YEAR;

(III) INCLUDE, FOR EACH GRADE, AGGREGATE STUDENT PERFORMANCE RESULTS, BEFORE THE STUDENTS BEGAN PARTICIPATION IN THE PROGRAM, ON ANY TESTS OR MEASUREMENT TOOLS THAT WERE USED TO DETERMINE THE STUDENTS' ELIGIBILITY FOR THE PROGRAM;

(IV) INCLUDE FOR EACH GRADE, AGGREGATE STUDENT PERFORMANCE RESULTS, AFTER THE STUDENTS BEGAN PARTICIPATION IN THE PROGRAM, ON ANY TESTS OR MEASUREMENT TOOLS THAT WERE USED TO DETERMINE THE STUDENTS' ELIGIBILITY FOR THE PROGRAM; AND

(V) INCLUDE AN EVALUATION OF THE SUCCESS OF THE PROGRAM BASED ON THE DATA DESCRIBED IN ITEMS (III) AND (IV) OF THIS PARAGRAPH AND ANY OTHER CRITERIA ESTABLISHED BY THE STATE BOARD FOR EVALUATING THE PROGRAM.

(4) (I) THE STATE BOARD SHALL EVALUATE A REPORT SUBMITTED BY A COUNTY BOARD UNDER PARAGRAPH (2) OF THIS SUBSECTION TO DETERMINE WHETHER THE PROGRAM HAS BEEN SUCCESSFULLY IMPLEMENTED IN THE COUNTY.

(II) IF THE STATE BOARD DETERMINES THAT THE PROGRAM HAS NOT BEEN SUCCESSFULLY IMPLEMENTED IN A COUNTY, THE STATE BOARD

(Over)

MAY WITHHOLD GRANT MONEY THAT A COUNTY BOARD IS AUTHORIZED TO RECEIVE UNDER SUBSECTION (G) OF THIS SECTION.

(5) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE STATE BOARD SHALL SUBMIT A REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY THAT INCLUDES AN EVALUATION OF THE STATUS AND SUCCESS OF THE PROGRAM IN EACH COUNTY AND ON A STATEWIDE BASIS.

(G) OF THE TOTAL AMOUNT THAT IS ALLOCATED FOR GRANTS UNDER SUBSECTION (B)(4)(II) OF THIS SECTION, EACH COUNTY BOARD SHALL RECEIVE A FRACTION:

(1) THE NUMERATOR OF WHICH IS THE NUMBER OF STUDENTS IN THE COUNTY SCORING LESS THAN 70% ON THE READING OR MATHEMATICS PORTION OF THE MARYLAND SCHOOL PERFORMANCE ASSESSMENT PROGRAM TEST; AND

(2) THE DENOMINATOR OF WHICH IS THE NUMBER OF STUDENTS IN THE STATE SCORING LESS THAN 70% ON THE READING OR MATHEMATICS PORTION OF THE MARYLAND SCHOOL PERFORMANCE ASSESSMENT PROGRAM TEST.

(H) THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION."

AMENDMENT NO. 9

On page 6 of the Budget and Taxation Committee Amendments, strike in their entirety lines 3 through 10, inclusive, and substitute:

"SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Governor include in the State budget for fiscal year 2001 an appropriation of at least \$21 million to fund the Maryland Academic Intervention and Support Program established under § 7-208 of the Education Article as enacted by this Act. In fiscal year 2002, the Governor shall include in the State budget an appropriation of \$21 million to fund the Program.

SECTION 6. AND BE IT FURTHER ENACTED, That if the fiscal year 2001 appropriation for the transitional component established under § 5-213(d)(6) of the Education Article is less than \$9 million, the Governor shall include an appropriation of at least \$9 million for the transitional component for fiscal year 2002 allocated as provided under § 5-213(d)(6) of the Education Article.

SECTION 7. AND BE IT FURTHER ENACTED, That, notwithstanding § 7-208(b)(4) and (g) of the Education Article, in fiscal year 2001, from the amount appropriated for the Maryland Academic Intervention and Support Program, the State Board shall distribute \$70,000 to each county board to cover start-up costs associated with implementing the program.

SECTION 8. AND BE IT FURTHER ENACTED, That, notwithstanding § 7-317(d) and (g) of the State Finance and Procurement Article, in fiscal year 2001, the Cigarette Restitution Fund established under § 7-317 of the State Finance and Procurement Article may be used to fund the implementation of: (i) the Governor's Teacher Salary Challenge Program established under § 5-213 of the Education Article; (ii) Section 4 of this Act; and (iii) Section 5 of this Act. In fiscal year 2001 and 2002, the Governor may transfer or appropriate funds by budget amendment or otherwise from the Cigarette Restitution Fund: (i) to the Transitional Education Fund created under this Act as necessary to fund the Governor's Teacher Salary Challenge Program in fiscal years 2001 and 2002; and (ii) to support the expenditures required under Sections 4 and 5 of this Act in fiscal years 2001 and 2002.

SECTION 9. AND BE IT FURTHER ENACTED, That \$21 million of the funds credited in fiscal year 2001 to the Cigarette Restitution Fund established under § 7-317 of the State Finance and Procurement Article may only be used to fund the Maryland Academic Intervention and Support Program established under § 7-208 of the Education Article as enacted by this Act.”;

and in line 11, strike “6.” and substitute “10.”.