

HOUSE BILL 54

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HB 1149/00 - W&M

2001 Regular Session
11r0874

(PRE-FILED)

By: **Delegate Zirkin**

Requested: November 14, 2000

Introduced and read first time: January 10, 2001

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools - Class Size Reduction - Smart Growth - Pilot Program**

3 FOR the purpose of establishing a pilot program to limit the class size in certain areas
4 for certain grades and certain classes to a certain amount; requiring the
5 Department of Education to solicit certain plans from county boards of
6 education; authorizing a county board to submit a certain plan to the
7 Department by certain dates; requiring the Department to select certain plans
8 for implementation under certain criteria by certain dates; requiring the
9 Department to establish a certain fund to finance the pilot program;
10 establishing that a certain county board must include certain measures in a
11 certain plan; requiring a certain county board to submit a certain report to the
12 Department; establishing certain penalties for the failure of a participating
13 county board to achieve certain goals; providing for funding of the program;
14 providing that funding for the program may not supplant certain other existing
15 funding; requiring the Department to adopt certain regulations and conduct a
16 certain study; defining certain terms; creating an exception to the prohibition
17 against the State paying for certain land; and generally relating to a pilot
18 program to limit certain class sizes.

19 BY adding to
20 Article - Education
21 Section 5-216
22 Annotated Code of Maryland
23 (1999 Replacement Volume and 2000 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article - Education
26 Section 5-301(a)
27 Annotated Code of Maryland
28 (1999 Replacement Volume and 2000 Supplement)

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

1

Article - Education

2 5-216.

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

5 (2) "CLASS SIZE REDUCTION PLAN" MEANS A COMPREHENSIVE PLAN TO
6 REDUCE OR MAINTAIN THE CLASS SIZE IN KINDERGARTEN THROUGH GRADE 3 FOR
7 CORE CURRICULUM CLASSES TO 17 OR FEWER STUDENTS.

8 (3) "FUND" MEANS THE CLASS SIZE REDUCTION FUND.

9 (4) "LOCALLY DESIGNATED GROWTH AREA" HAS THE MEANING STATED
10 IN § 5-7B-01(B) OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

11 (B) THERE IS A PILOT PROGRAM FOR CLASS SIZE REDUCTION ADMINISTERED
12 AND DIRECTED BY THE DEPARTMENT.

13 (C) THE PURPOSE OF THE PILOT PROGRAM IS TO LIMIT THE CLASS SIZE IN
14 KINDERGARTEN THROUGH GRADE 3 FOR CORE CURRICULUM CLASSES TO 17 OR
15 FEWER STUDENTS AS SOON AS POSSIBLE IN ALL SCHOOLS IN 12 LOCALLY
16 DESIGNATED GROWTH AREAS THAT ARE DESIGNATED AS PRIORITY FUNDING AREAS.

17 (D) THE PILOT PROGRAM SHALL BE IMPLEMENTED AS FOLLOWS:

18 (1) THE DEPARTMENT SHALL SOLICIT FROM COUNTY BOARDS A CLASS
19 SIZE REDUCTION PLAN FOR ALL SCHOOLS IN A LOCALLY DESIGNATED GROWTH
20 AREA THAT IS DESIGNATED AS A PRIORITY FUNDING AREA.

21 (2) A COUNTY BOARD MAY DEVELOP AND SUBMIT TO THE DEPARTMENT
22 A CLASS SIZE REDUCTION PLAN FOR ALL SCHOOLS IN A LOCALLY DESIGNATED
23 GROWTH AREA DESIGNATED AS A PRIORITY FUNDING AREA BY JANUARY 1, 2002, OR
24 JANUARY 1, 2004.

25 (3) (I) 1. BY MAY 1, 2002, THE DEPARTMENT SHALL SELECT SIX
26 CLASS SIZE REDUCTION PLANS FROM THOSE SUBMITTED BY COUNTY BOARDS FOR
27 IMPLEMENTATION.

28 2. BY MAY 1, 2004, THE DEPARTMENT SHALL SELECT SIX
29 ADDITIONAL CLASS SIZE REDUCTION PLANS FROM THOSE SUBMITTED BY COUNTY
30 BOARDS FOR IMPLEMENTATION.

31 (II) IN SELECTING CLASS SIZE REDUCTION PLANS TO BE
32 IMPLEMENTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE DEPARTMENT
33 SHALL GIVE PRIORITY TO IMPLEMENTING:

34 1. THE MOST EFFECTIVE CLASS SIZE REDUCTION PLANS, AS
35 DETERMINED BY THE DEPARTMENT;

1 (III) FOR INDIVIDUALIZED INSTRUCTION;
2 (IV) IN CLASSROOM MANAGEMENT FOR SMALL CLASSES; AND
3 (V) FOR IDENTIFYING AND RESPONDING TO NEEDS OF STUDENTS;
4 AND

5 (8) INCLUDE ANY OTHER APPROPRIATE PROGRAMS OR MEASURES.

6 (F) A COUNTY BOARD OF A PARTICIPATING COUNTY SHALL:

7 (1) HAVE A CLASS SIZE REDUCTION PLAN APPROVED BY THE
8 DEPARTMENT;

9 (2) SUBMIT AN ANNUAL PROGRESS REPORT TO THE DEPARTMENT; AND

10 (3) COMPLETE ITS SCHEDULES IN A TIMELY MANNER, SUBJECT TO
11 ANNUAL REVIEW BY THE DEPARTMENT.

12 (G) (1) THE DEPARTMENT:

13 (I) SHALL REVIEW ANNUALLY THE PROGRESS OF A COUNTY
14 BOARD IN IMPLEMENTING A CLASS SIZE REDUCTION PLAN; AND

15 (II) IF APPLICABLE, MAY CERTIFY THAT THE COUNTY BOARD IS ON
16 SCHEDULE TO COMPLETE THE CLASS SIZE REDUCTION PLAN.

17 (2) IF THE DEPARTMENT DOES NOT CERTIFY THAT THE PARTICIPATING
18 COUNTY BOARD IS ON SCHEDULE TO COMPLETE THE CLASS SIZE REDUCTION PLAN,
19 THE DEPARTMENT MAY NOT APPROPRIATE MONEYS OUT OF THE FUND TO THE
20 COUNTY BOARD UNDER THIS SECTION.

21 (3) CLASS SIZES IN KINDERGARTEN THROUGH GRADE 3 FOR CORE
22 CURRICULUM CLASSES MAY EXCEED 17 STUDENTS IN A PARTICIPATING LOCALLY
23 DESIGNATED GROWTH AREA WITHOUT THE COUNTY BOARD BEING SUBJECT TO THE
24 PENALTIES OF PARAGRAPH (2) OF THIS SUBSECTION IF:

25 (I) THE COUNTY BOARD HAS DEVELOPED A CLASS SIZE
26 REDUCTION PLAN APPROVED BY THE DEPARTMENT; AND

27 (II) THE DEPARTMENT CERTIFIES THAT THE COUNTY BOARD IS ON
28 SCHEDULE TO COMPLETE THE CLASS SIZE REDUCTION PLAN.

29 (H) FOR FISCAL YEAR 2002 AND EACH SUCCEEDING FISCAL YEAR, THE
30 GOVERNOR SHALL APPROPRIATE TO THE FUND IN THE STATE BUDGET FUNDS TO
31 ACCOMPLISH THE PURPOSES OF THIS SECTION.

32 (I) APPROPRIATIONS MADE TO THE FUND UNDER THIS SECTION MAY NOT BE
33 USED TO SUPPLANT THE EXISTING STATE SHARE OF BASIC CURRENT EXPENSES
34 UNDER § 5-202 OF THIS SUBTITLE.

1 (J) THE DEPARTMENT SHALL:

2 (1) ADOPT REGULATIONS TO IMPLEMENT THIS SECTION;

3 (2) DEFINE "CORE CURRICULUM CLASSES" IN ITS REGULATIONS TO
4 INCLUDE ALL MATH, READING, AND WRITING CLASSES; AND

5 (3) CONDUCT AN ONGOING STUDY OF THE EFFECTS OF CLASS SIZE
6 REDUCTION ON MARYLAND STUDENT ACHIEVEMENT.

7 5-301.

8 (a) (1) For the purposes of this section other than subsection (c), the Board
9 of Public Works shall define by regulation what constitutes an approved public school
10 construction or capital improvement cost.

11 (2) [The] EXCEPT AS PROVIDED IN § 5-216 OF THIS TITLE, THE cost of
12 acquiring land may not be considered a construction or capital improvement cost and
13 may not be paid by the State.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 June 1, 2001.