

HOUSE BILL 1116

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2001 Regular Session
11r2176
CF 11r2775

By: **Delegates Finifter, Barkley, Benson, Burns, Carlson, Conroy, Cryor,
DeCarlo, Hammen, Heller, Hubers, A. Jones, Klausmeier, Malone,
Minnick, Mohorovic, Montague, Morhaim, Nathan-Pulliam, Patterson,
Phillips, Ports, Rosso, and Zirkin**

Introduced and read first time: February 9, 2001

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools - Kindergarten - Required Use of Instructional Assistants**

3 FOR the purpose of requiring county boards of education to use instructional
4 assistants in certain grades; establishing the duties of an instructional
5 assistant; establishing limits on the duties of an instructional assistant;
6 establishing certain qualifications for an instructional assistant; prohibiting an
7 instructional assistant from working in a class under certain circumstances;
8 requiring county superintendents of schools to adopt certain guidelines;
9 establishing State and local funding for instructional assistants; and generally
10 relating to requiring instructional assistants in classes in certain grades.

11 BY adding to
12 Article - Education
13 Section 6-107.1
14 Annotated Code of Maryland
15 (1999 Replacement Volume and 2000 Supplement)

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

18 **Article - Education**

19 6-107.1.

20 (A) A COUNTY BOARD SHALL USE INSTRUCTIONAL ASSISTANTS IN ALL
21 CLASSES AND FOR ALL SCHOOL ACTIVITIES IN KINDERGARTEN IN THE PUBLIC
22 SCHOOLS IN THE COUNTY.

23 (B) (1) AN INSTRUCTIONAL ASSISTANT SHALL ASSIST A CERTIFICATED
24 TEACHER IN THE DUTIES AND ASSIGNMENTS OF THE TEACHER.

25 (2) AN INSTRUCTIONAL ASSISTANT MAY NOT:

1 (I) WORK WITHOUT SUPERVISION BY A CERTIFICATED TEACHER;

2 OR

3 (II) SUPPLANT A CERTIFICATED TEACHER.

4 (C) AN INSTRUCTIONAL ASSISTANT SHALL BE A HIGH SCHOOL GRADUATE OR
5 HOLD A GENERAL EQUIVALENCY DIPLOMA.

6 (D) AN INSTRUCTIONAL ASSISTANT MAY NOT WORK IN A CLASS IF THE
7 INSTRUCTIONAL ASSISTANT IS A PARENT OR GUARDIAN OF A STUDENT IN THE
8 CLASS.

9 (E) THE COUNTY SUPERINTENDENT SHALL ADOPT GUIDELINES FOR THE USE
10 OF INSTRUCTIONAL ASSISTANTS IN KINDERGARTEN IN THE PUBLIC SCHOOLS IN THE
11 COUNTY.

12 (F) (1) (I) A COUNTY GOVERNING BODY SHALL APPROPRIATE LOCAL
13 FUNDS IN AN AMOUNT NECESSARY TO FUND 80 PERCENT OF THE COSTS OF
14 IMPLEMENTING THIS SECTION.

15 (II) COUNTY APPROPRIATIONS MADE TO IMPLEMENT THIS
16 SECTION DO NOT COUNT TOWARD A COUNTY'S MAINTENANCE OF EFFORT
17 REQUIREMENT UNDER § 5-202 OF THIS ARTICLE.

18 (2) (I) THE GOVERNOR SHALL INCLUDE FUNDS IN THE STATE
19 BUDGET IN AN AMOUNT NECESSARY TO FUND 20 PERCENT OF THE COSTS OF
20 IMPLEMENTING THIS SECTION.

21 (II) STATE APPROPRIATIONS MADE TO IMPLEMENT THIS SECTION
22 MAY NOT BE USED TO SUPPLANT THE EXISTING STATE SHARE OF BASIC CURRENT
23 EXPENSES UNDER § 5-202 OF THIS ARTICLE.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 July 1, 2001.