
By: **Senator Harris**

Introduced and read first time: January 18, 2001

Assigned to: Economic and Environmental Affairs and Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Class Size Reduction - Maryland Learning Success Program**

3 FOR the purpose of altering certain factors used in calculating the amount of the
4 reading component of a Maryland Learning Success Program grant; eliminating
5 a certain reduction of the grant because of the use of certain teachers; reducing
6 the class size ratio required in certain plans submitted by local education
7 agencies to the State Superintendent of Education; and generally relating to
8 grants for class size reduction assistance under the Maryland Learning Success
9 Program.

10 BY repealing and reenacting, with amendments,
11 Article - Education
12 Section 5-212
13 Annotated Code of Maryland
14 (1999 Replacement Volume and 2000 Supplement)

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

17 **Article - Education**

18 5-212.

19 (a) (1) In this section the following terms have the meanings indicated.

20 (2) "FTE teacher amount" means for each local education agency, the
21 greater of:

22 (i) 130% of the standard salary for a 10-month, first-year teacher
23 with a bachelor's degree in the year preceding the year for which funds are provided
24 in that local education agency; or

25 (ii) \$39,000.

26 (3) "Reading factor" means the total enrollment in first grade and second
27 grade on September 30 of the previous fiscal year.

1 (4) "Professional development, materials, and facilities component"
2 means an amount intended to cover costs associated with class size reduction
3 expenses other than personnel costs.

4 (b) There is a Maryland Learning Success Program.

5 (c) The purpose of the Maryland Learning Success Program is to provide
6 grants that will assist local education agencies to reduce class sizes for reading
7 instruction in the first and second grades.

8 (d) (1) The maximum Maryland Learning Success Program grant to each
9 local education agency shall consist of:

10 (i) A reading component; and

11 (ii) For fiscal years 2001, 2002, and 2003 only, a professional
12 development, materials, and facilities component.

13 [(2) For fiscal year 2003 and each subsequent fiscal year, the amount of
14 the maximum Maryland Learning Success Program grant shall be reduced 5 percent
15 for each 1 percent by which the percentage of total teachers in the local education
16 agency who are provisionally certified exceeds 2 percent as of December 1 of the
17 previous fiscal year.]

18 [(3)] (2) The reading component shall be calculated as follows:

19 [(i) For fiscal year 2001, by dividing the reading factor for the local
20 education agency by 750 and multiplying the result by the FTE teacher amount for
21 the local education agency;

22 [(ii) For fiscal year 2002, by dividing the reading factor for the local
23 education agency by 375 and multiplying the result by the FTE teacher amount for
24 the local education agency;

25 [(iii) For fiscal year 2003, by dividing the reading factor for the local
26 education agency by 250 and multiplying the result by the FTE teacher amount for
27 the local education agency;]

28 [(iv)] (I) For fiscal year [2004] 2002, by dividing the reading factor
29 for the local education agency by 185 and multiplying the result by the FTE teacher
30 amount for the local education agency; and

31 [(v)] (II) For fiscal year [2005] 2003 and each succeeding fiscal
32 year, by dividing the reading factor for the local education agency by 150 and
33 multiplying the result by the FTE teacher amount for the local education agency.

34 [(4)] (3) (i) The professional development, materials, and facilities
35 component for each local education agency shall be determined each year by the State
36 Superintendent.

1 (ii) The total of the professional development, materials, and
2 facilities components may not exceed \$3,000,000 in any fiscal year.

3 (e) (1) On or before October 1, 1999, each local education agency shall
4 submit a Maryland Learning Success Program plan to the State Superintendent.

5 (2) The plan shall describe the local education agency's intended use of
6 funding from Maryland Learning Success Program grants, federal class size
7 reduction initiative grants provided in Public Law 105-277, and any other federal
8 funds provided specifically for the purpose of adding teachers.

9 (3) The plan shall specify the use of funds for:

10 (i) Class size reduction for reading instruction in the first and
11 second grades to a ratio no greater than [20] 15 students per one teacher;

12 (ii) Professional development for new or existing teachers to
13 maximize the educational results of reduced class sizes;

14 (iii) Supplies and materials related to changes in curriculum and
15 instructional methods implemented to maximize the educational results of reduced
16 class sizes;

17 (iv) Reconfigurations and other minor alterations in facilities
18 required to maximize the educational results of reduced class sizes; or

19 (v) Other expenses directly related to items (i) through (iv) of this
20 paragraph.

21 (4) The plan shall specify how the funding shall be initially targeted
22 toward higher-risk schools and schools that serve disadvantaged populations.

23 (5) The plan shall specify performance indicators that shall be used to
24 evaluate the success of the local education agency's class size reduction programs.

25 (6) The plan shall include a statement of any funding increases provided
26 from local sources since fiscal year 1995 which can be documented to have been
27 provided specifically for the purposes described in paragraph (3) of this subsection.

28 (7) In local education agencies where the number of provisionally
29 certified teachers exceeds 2 percent of the total number of teachers, the plan shall
30 provide a detailed strategy for reducing the number of provisionally certified teachers
31 to no more than 2 percent of the total number of teachers.

32 (8) The plan shall include any other information required by guidelines
33 or regulations issued by the State Board.

34 (9) The plan shall be in a form and format specified by the State
35 Superintendent.

1 (f) Except as provided in paragraph (5) of this subsection, in fiscal year 2001
2 and each succeeding fiscal year, the State Superintendent shall evaluate each plan
3 and the local education agency's progress in achieving the goals of this section and
4 award to each local education agency a grant that does not exceed the maximum
5 Maryland Learning Success Program grant. The State Superintendent may grant an
6 award which is less than the maximum Maryland Learning Success Program grant:

7 (1) If the local education agency's Maryland Learning Success Program
8 plan does not require the full amount of the maximum Maryland Learning Success
9 Program grant;

10 (2) If in the judgment of the State Superintendent, the local education
11 agency's Maryland Learning Success Program plan will not effectively maximize the
12 educational results of reduced class sizes;

13 (3) If in the State Superintendent's judgment, the local education
14 agency's implementation of the Maryland Learning Success Program grants, federal
15 class size reduction initiative grants provided under Public Law 105-277, and any
16 other federal funds provided specifically for the purpose of adding teachers has not
17 been expended efficiently, effectively, and in accordance with the local education
18 agency's Maryland Learning Success Program plan;

19 (4) If the local education agency's Maryland Learning Success Program
20 plan or Maryland Learning Success Program report do not meet the criteria set forth
21 in this section and in any guidelines or regulations established pursuant to this
22 section; or

23 (5) For fiscal years 2001 and 2002, in local education agencies where the
24 number of provisionally certified teachers exceeds 2 percent of the total number of
25 teachers, if, in the judgment of the State Superintendent, the plan does not provide an
26 effective strategy for reducing the number of provisionally certified teachers to 2
27 percent of the total number of teachers.

28 [(g) Notwithstanding the provisions of subsection (d)(2) of this section, the
29 State Superintendent may annually waive or modify the grant reduction penalty in
30 subsection (d)(2) of this section, if the local education agency has demonstrated in
31 writing that it has made:

32 (1) Substantial efforts towards reducing the number of provisionally
33 certified teachers;

34 (2) Significant attempts to recruit and hire certified teachers;

35 (3) Significant attempts to assist provisionally certified teachers in
36 becoming certified in this State; and

37 (4) Significant attempts to rehire retired certified teachers.]

1 [(h)] (G) The Board shall measure substantial efforts based on the change in
2 the number of provisionally certified teachers from the actual number of provisionally
3 certified teachers employed as of December 1, 1999.

4 [(i)] (H) No local education agency may expend funds received from the
5 Maryland Learning Success Program to pay salary or benefits costs for provisionally
6 certified teachers.

7 [(j)] (I) (1) Except as provided in paragraph (2) of this subsection, a local
8 education agency may not receive a Maryland Learning Success Program grant
9 unless the local education agency expends its federal class size reduction initiative
10 grants provided in Public Law 105-277 to reduce class sizes for reading instruction in
11 the first and second grades.

12 (2) If a local education agency has a ratio of no greater than 20 students
13 per one teacher for reading instruction in the first and second grades, paragraph (1) of
14 this subsection does not apply.

15 [(k)] (J) (1) On or before October 1, in 2001 and each succeeding year, each
16 local education agency shall submit a Maryland Learning Success Program report to
17 the State Superintendent.

18 (2) The report shall describe the local education agency's actual use of
19 funding from Maryland Learning Success Program grants, federal class size initiative
20 grants provided in Public Law 105-277, and any other federal funds provided
21 specifically for the purpose of increasing the number of teachers.

22 (3) The report shall include the results of the performance indicators
23 specified in the local education agency's Maryland Learning Success Program plan.

24 (4) The report may propose changes to the local education agency's
25 Maryland Learning Success Program plan.

26 (5) The report shall include any other information required by guidelines
27 or regulations issued by the State Board.

28 (6) The report shall be in a form and format specified by the State
29 Superintendent.

30 [(l)] (K) On or before December 31 of each year, the Superintendent shall
31 report the status of the Maryland Learning Success Program to the Governor and the
32 General Assembly.

33 [(m)] (L) For fiscal year 2001 and each succeeding fiscal year, the Governor
34 shall include funds in the State budget to accomplish the purposes of this section.

35 [(n)] (M) The State Board may establish any guidelines or regulations that it
36 determines are necessary to implement the purposes of this section.

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