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By: **Delegates Shriver and Finifter**  
Introduced and read first time: February 8, 2002  
Assigned to: Ways and Means

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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 (2001 Replacement Volume)

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:

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

27 OR

1 (II) SUPPLANT A CERTIFICATED TEACHER.

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

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

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

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

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

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

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 July 1, 2002.