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By: **Delegates Cane, Anderson, Benson, Branch, Burns, Carter, V. Clagett,  
Cryor, D. Davis, Fulton, Gaines, Goodwin, Griffith, Haynes, Jones,  
Kelley, Mandel, Marriott, Murray, Nathan-Pulliam, Oaks, Patterson,  
Proctor, Rudolph, Taylor, and Vaughn**

Introduced and read first time: February 21, 2005

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Education - Providers of Supplemental Educational Services - Applicability**  
3 **of Minority Business Participation Programs**

4 FOR the purpose of requiring the State Department of Education to require that each  
5 county board ensure that certain private sector providers contracted to supply  
6 supplemental educational services to public school students comply with certain  
7 minority business participation program standards and requirements; requiring  
8 the Department to develop and maintain, and to review and verify periodically,  
9 a list of certain providers; requiring the Department to submit a certain annual  
10 report to the General Assembly; and generally relating to the applicability of  
11 minority business participation programs to certain providers of supplemental  
12 educational services.

13 BY adding to  
14 Article - Education  
15 Section 4-127  
16 Annotated Code of Maryland  
17 (2004 Replacement Volume and 2004 Supplement)

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

20 **Article - Education**

21 4-127.

22 (A) IN THIS SECTION, "SUPPLEMENTAL EDUCATIONAL SERVICES" HAS THE  
23 MEANING STATED IN THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001 IN 20 U.S.C.  
24 § 6316(E).

25 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE  
26 DEPARTMENT SHALL REQUIRE THAT EACH COUNTY BOARD ENSURE THAT EACH

1 PRIVATE SECTOR PROVIDER CONTRACTED BY THE COUNTY BOARD TO SUPPLY  
2 SUPPLEMENTAL EDUCATIONAL SERVICES TO STUDENTS IN THE COUNTY'S PUBLIC  
3 SCHOOLS COMPLIES WITH THE STANDARDS AND REQUIREMENTS OF THE MINORITY  
4 BUSINESS PARTICIPATION PROGRAM UNDER TITLE 14, SUBTITLE 3 OF THE STATE  
5 FINANCE AND PROCUREMENT ARTICLE.

6 (2) IF A COUNTY BOARD OR A COUNTY GOVERNING BODY HAS  
7 ESTABLISHED STANDARDS AND REQUIREMENTS FOR A COUNTY MINORITY BUSINESS  
8 PARTICIPATION PROGRAM THAT EXCEED THE STANDARDS AND REQUIREMENTS OF  
9 TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, THE  
10 PRIVATE SECTOR PROVIDER SHALL COMPLY WITH THE COUNTY PROGRAM.

11 (C) (1) THE DEPARTMENT SHALL DEVELOP AND MAINTAIN A LIST OF  
12 PRIVATE SECTOR PROVIDERS THAT SUPPLY SUPPLEMENTAL EDUCATIONAL  
13 SERVICES THAT THE DEPARTMENT HAS DETERMINED MEET THE STANDARDS AND  
14 REQUIREMENTS UNDER THE MINORITY BUSINESS PARTICIPATION PROGRAM UNDER  
15 TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

16 (2) BY JULY 1 OF EACH YEAR, THE DEPARTMENT SHALL REVIEW THE  
17 LIST AND VERIFY THAT EACH PRIVATE SECTOR PROVIDER CONTINUES TO COMPLY  
18 WITH THE MINORITY BUSINESS PARTICIPATION PROGRAM.

19 (D) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE DEPARTMENT SHALL  
20 SUBMIT A REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT  
21 ARTICLE, TO THE GENERAL ASSEMBLY CONTAINING:

22 (1) BUSINESS AND EMPLOYMENT DATA ON EACH PRIVATE SECTOR  
23 PROVIDER OF SUPPLEMENTAL EDUCATIONAL SERVICES INCLUDED ON THE LIST  
24 MAINTAINED BY THE DEPARTMENT;

25 (2) CONFIRMATION THAT EACH PRIVATE SECTOR PROVIDER OF  
26 SUPPLEMENTAL EDUCATIONAL SERVICES MEETS THE MINIMUM REQUIREMENTS OF  
27 THE APPLICABLE STATE OR COUNTY MINORITY BUSINESS PARTICIPATION PROGRAM  
28 WITH REGARD TO:

29 (I) NUMBER OF EMPLOYEES;

30 (II) EMPLOYEE DEMOGRAPHICS;

31 (III) TEACHER CERTIFICATION REQUIREMENTS SPECIFIED BY THE  
32 DEPARTMENT;

33 (IV) TEACHER EXPERIENCE REQUIREMENTS SPECIFIED BY THE  
34 DEPARTMENT;

35 (V) EMPLOYEE WAGE AND BENEFIT DATA;

36 (VI) THE PROVIDER'S COSTS OF OPERATION;

1 (VII) FINANCIAL DATA NECESSARY TO DETERMINE THE  
2 PERCENTAGE OF DISBURSEMENTS FOR EACH CATEGORY OF THE PROVIDER'S  
3 BUSINESS OPERATIONS; AND

4 (VIII) OTHER INFORMATION AS REQUIRED BY THE DEPARTMENT.

5 (E) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE  
6 PROVISIONS OF THIS SECTION.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
8 effect October 1, 2005.