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By: **Senators Jones, Britt, Conway, Exum, Gladden, Grosfeld, Lawlah, and  
McFadden**

Introduced and read first time: March 2, 2005

Assigned to: Rules

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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  
27 PRIVATE SECTOR PROVIDER CONTRACTED BY THE COUNTY BOARD TO SUPPLY  
28 SUPPLEMENTAL EDUCATIONAL SERVICES TO STUDENTS IN THE COUNTY'S PUBLIC

1 SCHOOLS COMPLIES WITH THE STANDARDS AND REQUIREMENTS OF THE MINORITY  
2 BUSINESS PARTICIPATION PROGRAM UNDER TITLE 14, SUBTITLE 3 OF THE STATE  
3 FINANCE AND PROCUREMENT ARTICLE.

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

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

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

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

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

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

27 (I) NUMBER OF EMPLOYEES;

28 (II) EMPLOYEE DEMOGRAPHICS;

29 (III) TEACHER CERTIFICATION REQUIREMENTS SPECIFIED BY THE  
30 DEPARTMENT;

31 (IV) TEACHER EXPERIENCE REQUIREMENTS SPECIFIED BY THE  
32 DEPARTMENT;

33 (V) EMPLOYEE WAGE AND BENEFIT DATA;

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

35 (VII) FINANCIAL DATA NECESSARY TO DETERMINE THE  
36 PERCENTAGE OF DISBURSEMENTS FOR EACH CATEGORY OF THE PROVIDER'S  
37 BUSINESS OPERATIONS; AND

1 (VII) OTHER INFORMATION AS REQUIRED BY THE DEPARTMENT.

2 (E) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE  
3 PROVISIONS OF THIS SECTION.

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