

**ENROLLED BILL**

-- Education, Health, and Environmental Affairs and Budget and Taxation/Ways and Means --

Introduced by **Senators Hollinger, Britt, Brochin, Colburn, Conway, Dyson, Forehand, Hogan, Ruben, and Stone**

Read and Examined by Proofreaders:

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Proofreader.

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Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Education - Residential Boarding Education Programs - At-Risk Youth**

3 FOR the purpose of authorizing the establishment of certain residential boarding  
4 education programs to be under the supervision of the State Department of  
5 Education; providing that certain students shall be eligible to participate in  
6 certain programs if the students are certain disadvantaged children, certain  
7 at-risk youth, certain residents, and enrolled in certain grades; authorizing the  
8 Department to contract with certain operators to provide certain programs;  
9 requiring certain operators to meet certain qualifications and adopt certain  
10 standards for the admission and dismissal of certain students; requiring the  
11 operator to conduct certain outreach programs to provide information and  
12 encourage student recruitment and participation from each county in the State;  
13 authorizing the State Board of Education to require certain modifications to  
14 certain standards under certain circumstances; requiring certain operators to  
15 submit certain charters and bylaws to the State Board; requiring the Board of  
16 Trustees of Residential Boarding Education Programs to govern certain

1 programs; providing for the membership, terms, term limits, and filling of  
2 vacancies of certain boards; requiring the Board of Trustees to determine certain  
3 officers; requiring certain programs to be subject to certain accountability  
4 mandates of the federal No Child Left Behind Act and certain other federal  
5 laws; providing for the payment of certain teachers and certain other  
6 professional personnel at certain programs; requiring the Board of Trustees to  
7 submit to the Department on or before a certain date certain information  
8 regarding certain programs; requiring the Department to submit certain reports  
9 to the certain county board, the Governor, and the General Assembly on or  
10 before certain dates; requiring certain students to be included in the enrollment  
11 for certain State aid programs; requiring certain county boards to pay certain  
12 funds to the Department for certain students; requiring the Department to  
13 disburse certain funds to certain programs; requiring the Governor to  
14 appropriate certain funds to the Department to cover certain costs of certain  
15 programs; requiring the Governor to appropriate additional funds for certain  
16 students enrolled in certain programs up to a certain maximum amount of  
17 money; clarifying that certain programs may receive certain private, federal, or  
18 other funds; defining certain terms; providing for the staggering of certain  
19 terms; and generally relating to residential boarding education programs for  
20 at-risk youth.

21 BY repealing and reenacting, without amendments,  
22 Article - Education  
23 Section 8-101(b)  
24 Annotated Code of Maryland  
25 (2004 Replacement Volume and 2005 Supplement)

26 BY adding to  
27 Article - Education  
28 Section 8-701 through 8-710, inclusive, to be under the new subtitle "Subtitle 7.  
29 Residential Boarding Education Programs for At-Risk Youth"  
30 Annotated Code of Maryland  
31 (2004 Replacement Volume and 2005 Supplement)

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

34 **Article - Education**

35 8-101.

36 (b) "Disadvantaged child" means a child who:

37 (1) Because of environmental conditions, is not achieving at a level that  
38 is scholastically up to his potential abilities;

39 (2) Has to compensate for his inability to profit from the normal  
40 educational program;

1 (3) Is 3 years old or older and under 19 and has not graduated from high  
2 school;

3 (4) Has the potential to complete successfully a regular educational  
4 program leading to graduation from a high school; and

5 (5) Because of home and community environment, is subject to language,  
6 cultural, and economic disadvantages that make his completion of the regular  
7 program leading to graduation unlikely without special efforts by school authorities to  
8 provide stimulation of his potential in addition to the efforts involved in providing the  
9 regular educational programs.

10 SUBTITLE 7. RESIDENTIAL BOARDING EDUCATION PROGRAMS FOR AT-RISK YOUTH.

11 8-701.

12 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
13 INDICATED.

14 (B) "AT-RISK YOUTH" MEANS AN INDIVIDUAL WHO MEETS AT LEAST TWO OF  
15 THE ELIGIBILITY CRITERIA DETERMINED BY THE DEPARTMENT AND AN OPERATOR  
16 THAT MAY INCLUDE:

17 (1) BEING ELIGIBLE FOR FREE OR REDUCED PRICE MEALS;

18 (2) A RECORD OF SUSPENSIONS, OFFICE REFERRALS, OR CHRONIC  
19 TRUANCY;

20 (3) A FAILURE TO ACHIEVE A PROFICIENT OR ADVANCED LEVEL ON  
21 STATE ASSESSMENTS IN READING OR MATHEMATICS, OR BOTH;

22 (4) HAVING A DISABILITY;

23 ~~(4)~~ (5) A REFERRAL FROM A TEACHER, COUNSELOR, SOCIAL WORKER,  
24 OR COMMUNITY-BASED SERVICE ORGANIZATION;

25 ~~(5)~~ (6) THE HEAD OF HOUSEHOLD IS A SINGLE PARENT;

26 ~~(6)~~ (7) THE HEAD OF HOUSEHOLD IS NOT A CUSTODIAL PARENT;

27 ~~(7)~~ (8) THE ADJUSTED GROSS FAMILY INCOME IS BELOW THE  
28 FEDERALLY ESTABLISHED POVERTY GUIDELINES;

29 ~~(8)~~ (9) THE FAMILY RECEIVES TEMPORARY CASH ASSISTANCE UNDER  
30 THE STATE FAMILY INVESTMENT PROGRAM; OR

31 ~~(9)~~ (10) A MEMBER OF THE FAMILY HAS BEEN INCARCERATED.

32 (C) "BOARD" MEANS THE BOARD OF TRUSTEES OF RESIDENTIAL BOARDING  
33 EDUCATION PROGRAMS.

1 (D) "OPERATOR" MEANS A PRIVATE NONPROFIT OR PUBLIC ENTITY THAT  
2 DEVELOPS AND OPERATES A PROGRAM.

3 (E) "PROGRAM" MEANS A RESIDENTIAL BOARDING EDUCATION PROGRAM  
4 THAT INCLUDES:

5 (1) A REMEDIAL CURRICULUM FOR MIDDLE SCHOOL GRADES;

6 (2) A COLLEGE-PREPARATORY CURRICULUM FOR HIGH SCHOOL  
7 GRADES;

8 (3) EXTRACURRICULAR ACTIVITIES SUCH AS ATHLETICS AND  
9 CULTURAL EVENTS;

10 (4) COLLEGE ADMISSIONS COUNSELING;

11 (5) HEALTH AND MENTAL HEALTH SERVICES;

12 (6) TUTORING;

13 (7) COMMUNITY SERVICE OPPORTUNITIES; AND

14 (8) A RESIDENTIAL STUDENT LIFE PROGRAM.

15 8-702.

16 A RESIDENTIAL BOARDING EDUCATION PROGRAM FOR AT-RISK YOUTH SHALL  
17 BE OPERATED UNDER THE SUPERVISION OF THE DEPARTMENT.

18 8-703.

19 A STUDENT SHALL BE ELIGIBLE TO PARTICIPATE IN A PROGRAM IF THE  
20 STUDENT IS:

21 (1) A DISADVANTAGED CHILD AS DEFINED IN § 8-101 OF THIS TITLE;

22 (2) AN AT-RISK YOUTH;

23 (3) A RESIDENT OF THE STATE; AND

24 (4) CURRENTLY ENROLLED IN GRADE 5 OR GRADE 6.

25 8-704.

26 (A) THE DEPARTMENT MAY CONTRACT WITH AN OPERATOR TO PROVIDE  
27 AT-RISK YOUTH IN THE STATE WITH THE OPPORTUNITY TO PARTICIPATE IN A  
28 PROGRAM.

29 (B) THE OPERATOR SHALL MEET THE QUALIFICATIONS ESTABLISHED BY THE  
30 DEPARTMENT INCLUDING:

- 1 (1) PREVIOUS EXPERIENCE WITH A COMPARABLE PROGRAM;
- 2 (2) MEASURED SUCCESS WITH A COMPARABLE PROGRAM; AND
- 3 (3) THE CAPACITY TO FINANCE AND SECURE PRIVATE FUNDS FOR THE
- 4 DEVELOPMENT OF A CAMPUS FOR THE PROGRAM.

5 (C) (1) THE OPERATOR SHALL ADOPT WRITTEN STANDARDS FOR THE

6 ADMISSION AND DISMISSAL OF STUDENTS.

7 (2) THE STANDARDS AND ANY AMENDMENTS SHALL BE SUBMITTED TO

8 THE STATE BOARD FOR APPROVAL.

9 (3) THE STATE BOARD MAY REQUIRE MODIFICATIONS TO THE

10 STANDARDS AS IT CONSIDERS NECESSARY.

11 (D) THE OPERATOR SHALL SUBMIT ITS CHARTER AND BYLAWS TO THE STATE

12 BOARD FOR APPROVAL.

13 (E) THE OPERATOR SHALL CONDUCT AN OUTREACH PROGRAM FOR EACH

14 LOCAL EDUCATION AGENCY IN THE STATE TO:

15 (1) PROVIDE INFORMATION TO THE LOCAL EDUCATION AGENCY ABOUT

16 THE PROGRAM; AND

17 (2) ENCOURAGE STUDENT RECRUITMENT AND PARTICIPATION FROM

18 EACH COUNTY IN THE STATE.

19 8-705.

20 (A) THE BOARD SHALL GOVERN A PROGRAM.

21 (B) (1) THE BOARD CONSISTS OF 25 MEMBERS.

22 (2) OF THE 25 MEMBERS:

23 (I) 5 SHALL BE APPOINTED BY THE GOVERNOR, WITH THE ADVICE

24 OF THE STATE SUPERINTENDENT AND THE ADVICE AND CONSENT OF THE SENATE;

25 AND

26 (II) 20 SHALL BE SELECTED IN ACCORDANCE WITH THE CHARTER

27 AND BYLAWS OF THE PROGRAM.

28 (C) (1) THE TERM OF A MEMBER IS 3 YEARS.

29 (2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY

30 THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2006.

31 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A

32 SUCCESSOR IS APPOINTED OR SELECTED AND QUALIFIES.

1 (4) A MEMBER MAY NOT SERVE FOR MORE THAN 3 CONSECUTIVE FULL  
2 TERMS.

3 (5) A VACANCY SHALL BE FILLED IN THE SAME MANNER IN WHICH THE  
4 VACATING MEMBER WAS APPOINTED OR SELECTED.

5 (D) THE BOARD SHALL DETERMINE ITS OFFICERS.

6 8-706.

7 A PROGRAM SHALL BE SUBJECT TO:

8 (1) THE SAME ACCOUNTABILITY MANDATES OF THE FEDERAL NO CHILD  
9 LEFT BEHIND ACT AS OTHER PUBLIC SCHOOLS IN THE STATE; AND

10 (2) THE REQUIREMENTS OF 20 U.S.C. § 1400, ET SEQ. AND § 504 OF THE  
11 REHABILITATION ACT OF 1973, 29 U.S.C. § 794.

12 8-707.

13 TEACHERS AND ANY OTHER PROFESSIONAL PERSONNEL AT THE PROGRAM  
14 SHALL BE PAID AN ANNUAL SALARY THAT IS AT LEAST EQUAL TO THE SALARY  
15 RECEIVED BY PUBLIC SCHOOL TEACHERS AND PROFESSIONAL PERSONNEL OF  
16 SIMILAR TRAINING AND EXPERIENCE IN THE COUNTY IN WHICH THE SCHOOL IS  
17 LOCATED.

18 8-708.

19 (A) THE BOARD SHALL SUBMIT TO THE DEPARTMENT ON OR BEFORE JULY 1  
20 OF EACH YEAR:

21 (1) THE NAME OF EACH STUDENT WHO PARTICIPATED IN THE PROGRAM  
22 DURING THE PRECEDING YEAR;

23 (2) THE NAME OF EACH STUDENT PROJECTED TO PARTICIPATE IN THE  
24 PROGRAM DURING THE UPCOMING YEAR;

25 (3) THE COUNTY IN WHICH EACH STUDENT WHO PARTICIPATED IN THE  
26 PROGRAM DURING THE PRECEDING YEAR WAS DOMICILED;

27 (4) THE COUNTY IN WHICH EACH STUDENT PROJECTED TO  
28 PARTICIPATE IN THE PROGRAM DURING THE UPCOMING YEAR IS DOMICILED;

29 (5) THE TOTAL NUMBER OF STUDENTS THAT PARTICIPATED IN THE  
30 PROGRAM DURING THE PRECEDING YEAR;

31 (6) THE TOTAL NUMBER OF STUDENTS PROJECTED TO PARTICIPATE IN  
32 THE PROGRAM DURING THE UPCOMING YEAR;

33 (7) THE ACTUAL OPERATION BUDGET FOR THE PRECEDING YEAR; AND

1 (8) THE PROJECTED OPERATING BUDGET FOR THE UPCOMING YEAR.

2 (B) THE DEPARTMENT SHALL REPORT:

3 (1) ON OR BEFORE APRIL 1 AND OCTOBER 1 OF EACH YEAR, TO EACH  
4 COUNTY BOARD REGARDING:

5 (I) THE NUMBER OF STUDENTS WHO ARE PARTICIPATING IN THE  
6 PROGRAM FROM THE COUNTY; AND

7 (II) THE NAME OF EACH STUDENT FROM THE COUNTY WHO IS  
8 BEING CHARGED TO THE COUNTY; AND

9 (2) ON OR BEFORE DECEMBER 1 OF EACH YEAR, TO THE GOVERNOR  
10 AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE  
11 GENERAL ASSEMBLY REGARDING:

12 (I) THE INFORMATION PROVIDED UNDER SUBSECTION (A) OF THIS  
13 SECTION; AND

14 (II) WHETHER THE FUNDS APPROPRIATED UNDER § 8-710 OF THIS  
15 SUBTITLE SHOULD BE INCREASED OR DECREASED.

16 8-709.

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
18 INDICATED.

19 (2) "COST PER PUPIL" MEANS THE AMOUNT OF MONEY SPENT BY A  
20 COUNTY BOARD FOR THE OPERATING EXPENSES OF PUBLIC EDUCATION IN THE  
21 COUNTY FROM COUNTY AND STATE SOURCES DIVIDED BY THE FULL-TIME  
22 EQUIVALENT ENROLLMENT OF THE COUNTY AS DEFINED IN § 5-202(A) OF THIS  
23 ARTICLE.

24 (3) "STATE SOURCES" MEANS FUNDS PROVIDED TO A COUNTY BOARD IN  
25 ACCORDANCE WITH §§ 5-202, 5-207, 5-208, 5-209, AND 5-210 OF THIS ARTICLE.

26 (B) STUDENTS PARTICIPATING IN A PROGRAM SHALL BE INCLUDED IN THE  
27 ENROLLMENT OF THE COUNTY IN WHICH THE STUDENT IS DOMICILED FOR THE  
28 PURPOSES OF CALCULATING STATE AID UNDER §§ 5-202, 5-207, 5-208, 5-209, AND  
29 5-210 OF THIS ARTICLE.

30 (C) (1) TO SUPPORT THE COST OF INSTRUCTIONAL PROGRAMMING FOR A  
31 PROGRAM, EACH COUNTY BOARD SHALL PAY TO THE DEPARTMENT AN AMOUNT  
32 EQUAL TO 85% OF THE COST PER PUPIL FOR EACH STUDENT WHO PARTICIPATES IN A  
33 PROGRAM BUT IS DOMICILED IN THE COUNTY.

34 (2) EACH COUNTY GOVERNING BODY SHALL INCLUDE A STUDENT  
35 PARTICIPATING IN A PROGRAM IN THE FULL-TIME EQUIVALENT ENROLLMENT USED

1 FOR CALCULATING THE REQUIRED LOCAL FUNDS APPROPRIATED UNDER § 5-202(D)  
2 OF THIS ARTICLE.

3 ~~(C)~~ (D) THE DEPARTMENT SHALL DISBURSE THE FUNDS RECEIVED IN  
4 ACCORDANCE WITH THIS SECTION TO THE PROGRAM.

5 8-710.

6 (A) IN ADDITION TO THE FUNDS DISBURSED IN ACCORDANCE WITH § 8-709 OF  
7 THIS SUBTITLE, THE GOVERNOR SHALL APPROPRIATE FUNDS TO THE DEPARTMENT  
8 IN ACCORDANCE WITH THIS SECTION TO COVER THE TRANSPORTATION, BOARDING,  
9 AND ADMINISTRATIVE COSTS OF A PROGRAM.

10 (B) (1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, BEGINNING IN  
11 FISCAL YEAR 2009, THE GOVERNOR SHALL APPROPRIATE AT LEAST \$2,000,000 TO THE  
12 DEPARTMENT IN ORDER FOR A PROGRAM TO SERVE UP TO 80 STUDENTS.

13 ~~(C)~~ (2) FOR EACH ADDITIONAL 10 STUDENTS ENROLLED IN A PROGRAM, AS  
14 REPORTED BY THE DEPARTMENT, THE GOVERNOR SHALL APPROPRIATE AN  
15 ADDITIONAL \$250,000 ~~TO THE DEPARTMENT UP TO A MAXIMUM AMOUNT OF~~  
16 ~~\$10,000,000 PER YEAR.~~

17 (3) THE TOTAL AMOUNT OF FUNDS APPROPRIATED UNDER THIS  
18 SUBSECTION MAY NOT EXCEED \$10,000,000, FOR ANY FISCAL YEAR.

19 ~~(D)~~ (C) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A PROGRAM  
20 FROM RECEIVING FUNDS FROM PRIVATE, FEDERAL, OR OTHER SOURCES.

21 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the members  
22 of a Board of Trustees of a residential boarding education program authorized under  
23 Title 8, Subtitle 7 of the Education Article shall expire as follows:

24 (1) eight members in 2010;

25 (2) nine members in 2011; and

26 (3) eight members in 2012.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 July 1, 2006.