
By: **Senators Hollinger, Britt, Brochin, Colburn, Conway, Dyson, Forehand,
Hogan, Ruben, and Stone**

Introduced and read first time: February 3, 2006

Assigned to: Education, Health, and Environmental Affairs and Budget and Taxation

A BILL ENTITLED

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; authorizing the
11 State Board of Education to require certain modifications to certain standards
12 under certain circumstances; requiring certain operators to submit certain
13 charters and bylaws to the State Board; requiring the Board of Trustees of
14 Residential Boarding Education Programs to govern certain programs;
15 providing for the membership, terms, term limits, and filling of vacancies of
16 certain boards; requiring the Board of Trustees to determine certain officers;
17 requiring certain programs to be subject to certain accountability mandates of
18 the federal No Child Left Behind Act; providing for the payment of certain
19 teachers and certain other professional personnel at certain programs; requiring
20 the Board of Trustees to submit to the Department on or before a certain date
21 certain information regarding certain programs; requiring the Department to
22 submit certain reports to the certain county board, the Governor, and the
23 General Assembly on or before certain dates; requiring certain students to be
24 included in the enrollment for certain State aid programs; requiring certain
25 county boards to pay certain funds to the Department for certain students;
26 requiring the Department to disburse certain funds to certain programs;
27 requiring the Governor to appropriate certain funds to the Department to cover
28 certain costs of certain programs; requiring the Governor to appropriate
29 additional funds for certain students enrolled in certain programs up to a
30 certain maximum amount of money; clarifying that certain programs may
31 receive certain private, federal, or other funds; defining certain terms; providing
32 for the staggering of certain terms; and generally relating to residential
33 boarding education programs for at-risk youth.

34 BY repealing and reenacting, without amendments,

1 Article - Education
2 Section 8-101(b)
3 Annotated Code of Maryland
4 (2004 Replacement Volume and 2005 Supplement)

5 BY adding to
6 Article - Education
7 Section 8-701 through 8-710, inclusive, to be under the new subtitle "Subtitle 7.
8 Residential Boarding Education Programs for At-Risk Youth"
9 Annotated Code of Maryland
10 (2004 Replacement Volume and 2005 Supplement)

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

13 **Article - Education**

14 8-101.

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

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

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

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

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

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

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

30 8-701.

31 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
32 INDICATED.

1 (B) "AT-RISK YOUTH" MEANS AN INDIVIDUAL WHO MEETS THE ELIGIBILITY
2 CRITERIA DETERMINED BY THE DEPARTMENT AND AN OPERATOR THAT MAY
3 INCLUDE:

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

5 (2) A RECORD OF SUSPENSIONS, OFFICE REFERRALS, OR CHRONIC
6 TRUANCY;

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

9 (4) A REFERRAL FROM A TEACHER, COUNSELOR, SOCIAL WORKER, OR
10 COMMUNITY-BASED SERVICE ORGANIZATION;

11 (5) THE HEAD OF HOUSEHOLD IS A SINGLE PARENT;

12 (6) THE HEAD OF HOUSEHOLD IS NOT A CUSTODIAL PARENT;

13 (7) THE ADJUSTED GROSS FAMILY INCOME IS BELOW THE FEDERALLY
14 ESTABLISHED POVERTY GUIDELINES;

15 (8) THE FAMILY RECEIVES TEMPORARY CASH ASSISTANCE UNDER THE
16 STATE FAMILY INVESTMENT PROGRAM; OR

17 (9) A MEMBER OF THE FAMILY HAS BEEN INCARCERATED.

18 (C) "BOARD" MEANS THE BOARD OF TRUSTEES OF RESIDENTIAL BOARDING
19 EDUCATION PROGRAMS.

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

22 (E) "PROGRAM" MEANS A RESIDENTIAL BOARDING EDUCATION PROGRAM
23 THAT INCLUDES:

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

25 (2) A COLLEGE-PREPARATORY CURRICULUM FOR HIGH SCHOOL
26 GRADES;

27 (3) EXTRACURRICULAR ACTIVITIES SUCH AS ATHLETICS AND
28 CULTURAL EVENTS;

29 (4) COLLEGE ADMISSIONS COUNSELING;

30 (5) HEALTH AND MENTAL HEALTH SERVICES;

31 (6) TUTORING;

32 (7) COMMUNITY SERVICE OPPORTUNITIES; AND

1 (8) A RESIDENTIAL STUDENT LIFE PROGRAM.

2 8-702.

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

5 8-703.

6 A STUDENT SHALL BE ELIGIBLE TO PARTICIPATE IN A PROGRAM IF THE
7 STUDENT IS:

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

9 (2) AN AT-RISK YOUTH;

10 (3) A RESIDENT OF THE STATE; AND

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

12 8-704.

13 (A) THE DEPARTMENT MAY CONTRACT WITH AN OPERATOR TO PROVIDE
14 AT-RISK YOUTH IN THE STATE WITH THE OPPORTUNITY TO PARTICIPATE IN A
15 PROGRAM.

16 (B) THE OPERATOR SHALL MEET THE QUALIFICATIONS ESTABLISHED BY THE
17 DEPARTMENT INCLUDING:

18 (1) PREVIOUS EXPERIENCE WITH A COMPARABLE PROGRAM;

19 (2) MEASURED SUCCESS WITH A COMPARABLE PROGRAM; AND

20 (3) THE CAPACITY TO FINANCE AND SECURE PRIVATE FUNDS FOR THE
21 DEVELOPMENT OF A CAMPUS FOR THE PROGRAM.

22 (C) (1) THE OPERATOR SHALL ADOPT WRITTEN STANDARDS FOR THE
23 ADMISSION AND DISMISSAL OF STUDENTS.

24 (2) THE STANDARDS AND ANY AMENDMENTS SHALL BE SUBMITTED TO
25 THE STATE BOARD FOR APPROVAL.

26 (3) THE STATE BOARD MAY REQUIRE MODIFICATIONS TO THE
27 STANDARDS AS IT CONSIDERS NECESSARY.

28 (D) THE OPERATOR SHALL SUBMIT ITS CHARTER AND BYLAWS TO THE STATE
29 BOARD FOR APPROVAL.

30 8-705.

31 (A) THE BOARD SHALL GOVERN A PROGRAM.

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

2 (2) OF THE 25 MEMBERS:

3 (I) 5 SHALL BE APPOINTED BY THE GOVERNOR, WITH THE ADVICE
4 OF THE STATE SUPERINTENDENT AND THE ADVICE AND CONSENT OF THE SENATE;
5 AND

6 (II) 20 SHALL BE SELECTED IN ACCORDANCE WITH THE CHARTER
7 AND BYLAWS OF THE PROGRAM.

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

9 (2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY
10 THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2006.

11 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
12 SUCCESSOR IS APPOINTED OR SELECTED AND QUALIFIES.

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

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

17 (D) THE BOARD SHALL DETERMINE ITS OFFICERS.

18 8-706.

19 A PROGRAM SHALL BE SUBJECT TO THE SAME ACCOUNTABILITY MANDATES OF
20 THE FEDERAL NO CHILD LEFT BEHIND ACT AS OTHER PUBLIC SCHOOLS IN THE
21 STATE.

22 8-707.

23 TEACHERS AND ANY OTHER PROFESSIONAL PERSONNEL AT THE PROGRAM
24 SHALL BE PAID AN ANNUAL SALARY THAT IS AT LEAST EQUAL TO THE SALARY
25 RECEIVED BY PUBLIC SCHOOL TEACHERS AND PROFESSIONAL PERSONNEL OF
26 SIMILAR TRAINING AND EXPERIENCE IN THE COUNTY IN WHICH THE SCHOOL IS
27 LOCATED.

28 8-708.

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

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

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

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

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

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

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

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

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

11 (B) THE DEPARTMENT SHALL REPORT:

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

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

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

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

21 (I) THE INFORMATION PROVIDED UNDER SUBSECTION (A) OF THIS
22 SECTION; AND

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

25 8-709.

26 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
27 INDICATED.

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

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

1 (B) STUDENTS PARTICIPATING IN A PROGRAM SHALL BE INCLUDED IN THE
2 ENROLLMENT OF THE COUNTY IN WHICH THE STUDENT IS DOMICILED FOR THE
3 PURPOSES OF CALCULATING STATE AID UNDER §§ 5-202, 5-207, 5-208, 5-209, AND
4 5-210 OF THIS ARTICLE.

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

9 (2) EACH COUNTY GOVERNING BODY SHALL INCLUDE A STUDENT
10 PARTICIPATING IN A PROGRAM IN THE FULL-TIME EQUIVALENT ENROLLMENT USED
11 FOR CALCULATING THE REQUIRED LOCAL FUNDS APPROPRIATED UNDER § 5-202(D)
12 OF THIS ARTICLE.

13 (C) THE DEPARTMENT SHALL DISBURSE THE FUNDS RECEIVED IN
14 ACCORDANCE WITH THIS SECTION TO THE PROGRAM.

15 8-710.

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

20 (B) BEGINNING IN FISCAL YEAR 2009, THE GOVERNOR SHALL APPROPRIATE
21 AT LEAST \$2,000,000 TO THE DEPARTMENT IN ORDER FOR A PROGRAM TO SERVE UP
22 TO 80 STUDENTS.

23 (C) FOR EACH ADDITIONAL 10 STUDENTS ENROLLED IN A PROGRAM, AS
24 REPORTED BY THE DEPARTMENT, THE GOVERNOR SHALL APPROPRIATE AN
25 ADDITIONAL \$250,000 TO THE DEPARTMENT UP TO A MAXIMUM AMOUNT OF
26 \$10,000,000 PER YEAR.

27 (D) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A PROGRAM FROM
28 RECEIVING FUNDS FROM PRIVATE, FEDERAL, OR OTHER SOURCES.

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

- 32 (1) eight members in 2010;
33 (2) nine members in 2011; and
34 (3) eight members in 2012.

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