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

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Committee Report: Favorable with amendments

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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; 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 and certain other federal laws; providing
19 for the payment of certain teachers and certain other professional personnel at
20 certain programs; requiring the Board of Trustees to submit to the Department
21 on or before a certain date certain information regarding certain programs;
22 requiring the Department to submit certain reports to the certain county board,
23 the Governor, and the General Assembly on or before certain dates; requiring
24 certain students to be included in the enrollment for certain State aid programs;
25 requiring certain county boards to pay certain funds to the Department for
26 certain students; requiring the Department to disburse certain funds to certain
27 programs; requiring the Governor to appropriate certain funds to the

1 Department to cover certain costs of certain programs; requiring the Governor
2 to appropriate additional funds for certain students enrolled in certain programs
3 up to a certain maximum amount of money; clarifying that certain programs
4 may receive certain private, federal, or other funds; defining certain terms;
5 providing for the staggering of certain terms; and generally relating to
6 residential boarding education programs for at-risk youth.

7 BY repealing and reenacting, without amendments,
8 Article - Education
9 Section 8-101(b)
10 Annotated Code of Maryland
11 (2004 Replacement Volume and 2005 Supplement)

12 BY adding to
13 Article - Education
14 Section 8-701 through 8-710, inclusive, to be under the new subtitle "Subtitle 7.
15 Residential Boarding Education Programs for At-Risk Youth"
16 Annotated Code of Maryland
17 (2004 Replacement Volume and 2005 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 8-101.

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

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

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

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

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

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

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

2 8-701.

3 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
4 INDICATED.

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

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

9 (2) A RECORD OF SUSPENSIONS, OFFICE REFERRALS, OR CHRONIC
10 TRUANCY;

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

13 (4) HAVING A DISABILITY;

14 ~~(4)~~ (5) A REFERRAL FROM A TEACHER, COUNSELOR, SOCIAL WORKER,
15 OR COMMUNITY-BASED SERVICE ORGANIZATION;

16 ~~(5)~~ (6) THE HEAD OF HOUSEHOLD IS A SINGLE PARENT;

17 ~~(6)~~ (7) THE HEAD OF HOUSEHOLD IS NOT A CUSTODIAL PARENT;

18 ~~(7)~~ (8) THE ADJUSTED GROSS FAMILY INCOME IS BELOW THE
19 FEDERALLY ESTABLISHED POVERTY GUIDELINES;

20 ~~(8)~~ (9) THE FAMILY RECEIVES TEMPORARY CASH ASSISTANCE UNDER
21 THE STATE FAMILY INVESTMENT PROGRAM; OR

22 ~~(9)~~ (10) A MEMBER OF THE FAMILY HAS BEEN INCARCERATED.

23 (C) "BOARD" MEANS THE BOARD OF TRUSTEES OF RESIDENTIAL BOARDING
24 EDUCATION PROGRAMS.

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

27 (E) "PROGRAM" MEANS A RESIDENTIAL BOARDING EDUCATION PROGRAM
28 THAT INCLUDES:

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

30 (2) A COLLEGE-PREPARATORY CURRICULUM FOR HIGH SCHOOL
31 GRADES;

- 1 (3) EXTRACURRICULAR ACTIVITIES SUCH AS ATHLETICS AND
2 CULTURAL EVENTS;
- 3 (4) COLLEGE ADMISSIONS COUNSELING;
- 4 (5) HEALTH AND MENTAL HEALTH SERVICES;
- 5 (6) TUTORING;
- 6 (7) COMMUNITY SERVICE OPPORTUNITIES; AND
- 7 (8) A RESIDENTIAL STUDENT LIFE PROGRAM.

8 8-702.

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

11 8-703.

12 A STUDENT SHALL BE ELIGIBLE TO PARTICIPATE IN A PROGRAM IF THE
13 STUDENT IS:

- 14 (1) A DISADVANTAGED CHILD AS DEFINED IN § 8-101 OF THIS TITLE;
- 15 (2) AN AT-RISK YOUTH;
- 16 (3) A RESIDENT OF THE STATE; AND
- 17 (4) CURRENTLY ENROLLED IN GRADE 5 OR GRADE 6.

18 8-704.

19 (A) THE DEPARTMENT MAY CONTRACT WITH AN OPERATOR TO PROVIDE
20 AT-RISK YOUTH IN THE STATE WITH THE OPPORTUNITY TO PARTICIPATE IN A
21 PROGRAM.

22 (B) THE OPERATOR SHALL MEET THE QUALIFICATIONS ESTABLISHED BY THE
23 DEPARTMENT INCLUDING:

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

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

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

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

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

7 8-705.

8 (A) THE BOARD SHALL GOVERN A PROGRAM.

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

10 (2) OF THE 25 MEMBERS:

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

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

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

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

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

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

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

25 (D) THE BOARD SHALL DETERMINE ITS OFFICERS.

26 8-706.

27 A PROGRAM SHALL BE SUBJECT TO:

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

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

1 8-707.

2 TEACHERS AND ANY OTHER PROFESSIONAL PERSONNEL AT THE PROGRAM
3 SHALL BE PAID AN ANNUAL SALARY THAT IS AT LEAST EQUAL TO THE SALARY
4 RECEIVED BY PUBLIC SCHOOL TEACHERS AND PROFESSIONAL PERSONNEL OF
5 SIMILAR TRAINING AND EXPERIENCE IN THE COUNTY IN WHICH THE SCHOOL IS
6 LOCATED.

7 8-708.

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

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

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

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

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

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

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

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

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

24 (B) THE DEPARTMENT SHALL REPORT:

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

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

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

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

1 (I) THE INFORMATION PROVIDED UNDER SUBSECTION (A) OF THIS
2 SECTION; AND

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

5 8-709.

6 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

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

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

15 (B) STUDENTS PARTICIPATING IN A PROGRAM SHALL BE INCLUDED IN THE
16 ENROLLMENT OF THE COUNTY IN WHICH THE STUDENT IS DOMICILED FOR THE
17 PURPOSES OF CALCULATING STATE AID UNDER §§ 5-202, 5-207, 5-208, 5-209, AND
18 5-210 OF THIS ARTICLE.

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

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

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

29 8-710.

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

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

1 ~~(E)~~ (2) FOR EACH ADDITIONAL 10 STUDENTS ENROLLED IN A PROGRAM, AS
2 REPORTED BY THE DEPARTMENT, THE GOVERNOR SHALL APPROPRIATE AN
3 ADDITIONAL \$250,000 ~~TO THE DEPARTMENT UP TO A MAXIMUM AMOUNT OF~~
4 ~~\$10,000,000 PER YEAR.~~

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

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

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

- 12 (1) eight members in 2010;
13 (2) nine members in 2011; and
14 (3) eight members in 2012.

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