

HOUSE BILL 980

F1

2lr0332

By: **Delegate Alston**

Introduced and read first time: February 10, 2012

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **County Boards of Education – Children in Home Instruction Programs**

3 FOR the purpose of altering the definition of “full-time equivalent enrollment” to
4 include certain children participating in a home instruction program in
5 accordance with a certain provision of law; requiring, notwithstanding any other
6 provision of law, a county board of education to count certain children
7 participating in a certain home instruction program in the county’s full-time
8 equivalent enrollment if the parent or guardian of the child agrees to require
9 the child to participate in a certain testing program; requiring a county board to
10 remit a certain amount of money to the parent or guardian of a child receiving
11 home instruction under certain circumstances; requiring a certain parent or
12 guardian to use certain money to purchase educational materials for a certain
13 purpose; defining a certain term; and generally relating to counting children in
14 home instruction programs in full-time equivalent enrollment counts.

15 BY adding to

16 Article – Education
17 Section 4–110
18 Annotated Code of Maryland
19 (2008 Replacement Volume and 2011 Supplement)

20 BY repealing and reenacting, without amendments,

21 Article – Education
22 Section 5–202(a)(1)
23 Annotated Code of Maryland
24 (2008 Replacement Volume and 2011 Supplement)

25 BY repealing and reenacting, with amendments,

26 Article – Education
27 Section 5–202(a)(6)
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2008 Replacement Volume and 2011 Supplement)

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

Article – Education

4–110.

(A) IN THIS SECTION, “EDUCATIONAL MATERIALS” INCLUDES:

(1) INSTRUCTIONAL MATERIALS;

(2) READING MATERIALS;

(3) CREATIVE MATERIALS;

(4) WORKSHEETS AND WORKBOOKS; AND

(5) TESTS.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A COUNTY BOARD SHALL COUNT A CHILD WHO PARTICIPATES IN A HOME INSTRUCTION PROGRAM UNDER A WRITTEN AGREEMENT WITH THE COUNTY SUPERINTENDENT IN THE COUNTY’S FULL-TIME EQUIVALENT ENROLLMENT IF THE PARENT OR GUARDIAN OF THE CHILD RECEIVING HOME INSTRUCTION AGREES TO REQUIRE THE CHILD TO PARTICIPATE IN THE REGULARLY SCHEDULED STANDARDIZED TESTING PROGRAMS ADMINISTERED IN THE PUBLIC SCHOOL THE CHILD IS ELIGIBLE TO ATTEND.

(C) (1) A COUNTY BOARD SHALL REMIT TO THE PARENT OR GUARDIAN OF A CHILD RECEIVING HOME INSTRUCTION UNDER SUBSECTION (B) OF THIS SECTION AN AMOUNT NOT LESS THAN 10% BUT NOT MORE THAN 25% OF THE ANNUAL PER PUPIL FOUNDATION AMOUNT CALCULATED UNDER § 5–202(A)(2) OF THIS ARTICLE.

(2) A PARENT OR GUARDIAN WHO RECEIVES MONEY UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL USE THE MONEY ONLY TO PURCHASE EDUCATIONAL MATERIALS FOR THE CHILD’S HOME INSTRUCTION PROGRAM.

5–202.

(a) (1) In this section the following words have the meanings indicated.

1 (6) “Full-time equivalent enrollment” means the sum of:

2 (i) The number of students enrolled in grades 1 through 12 or
3 their equivalent in regular day school programs on September 30 of the previous
4 school year;

5 (ii) Except as provided in item (iii) of this paragraph, the
6 product of the number of students enrolled in kindergarten programs on September 30
7 of the prior school year and:

8 1. 0.60 in fiscal year 2004;

9 2. 0.70 in fiscal year 2005;

10 3. 0.80 in fiscal year 2006;

11 4. 0.90 in fiscal year 2007; and

12 5. 1.00 in fiscal year 2008 and each fiscal year
13 thereafter;

14 (iii) In Garrett County, the number of students enrolled in
15 kindergarten programs on September 30 of the prior school year; **[and]**

16 (iv) The number of full-time equivalent students, as determined
17 by a regulation of the Department, enrolled in evening high school programs during
18 the previous school year; **AND**

19 **(v) THE NUMBER OF CHILDREN PARTICIPATING IN A HOME**
20 **INSTRUCTION PROGRAM IN ACCORDANCE WITH THE PROVISIONS OF § 4-110 OF**
21 **THIS ARTICLE.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 July 1, 2012.