

SENATE BILL 869

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3lr2313

By: **Senator Ferguson**

Introduced and read first time: February 6, 2023

Assigned to: Budget and Taxation and Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Primary and Secondary Education – Concentration of Poverty School Grant**
3 **Program – Eligibility**

4 FOR the purpose of altering, for certain fiscal years, certain concentration of poverty levels
5 required for certain eligible schools to receive certain personnel and per pupil grants
6 under the Concentration of Poverty School Grant Program; and generally relating to
7 the Concentration of Poverty School Grant Program.

8 BY repealing and reenacting, with amendments,

9 Article – Education

10 Section 5–223(a)

11 Annotated Code of Maryland

12 (2022 Replacement Volume)

13 BY repealing and reenacting, without amendments,

14 Article – Education

15 Section 5–223(b)

16 Annotated Code of Maryland

17 (2022 Replacement Volume)

18 BY repealing and reenacting, without amendments,

19 Article – Education

20 Section 5–223(c)(1) and (d)

21 Annotated Code of Maryland

22 (2022 Replacement Volume)

23 (As enacted by Chapter 55 of the Acts of the General Assembly of 2021)

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

26 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 5–223.

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

3 (2) “Community school” means a community school under Title 9.9 of this
4 article.

5 (3) (i) Except as provided in subparagraph (ii) of this paragraph,
6 “concentration of poverty level” means the average percentage of eligible students of the
7 school’s enrollment for the 3 prior school years rounded to the nearest whole percent.

8 (ii) If the 3 prior school years includes the 2020–2021 school year,
9 “concentration of poverty level” means:

10 1. The sum of the percentage of eligible students of the
11 school’s enrollment for the 4 prior school years minus the 2020–2021 school year percentage
12 of eligible students; divided by

13 2. Three; and

14 3. Rounded to the nearest whole percent.

15 (4) (i) “Eligible school” means:

16 1. For the personnel grant, a public school, including a public
17 charter school, with a concentration of poverty level of:

18 A. For fiscal year 2020, at least 80%;

19 B. For fiscal year 2021, at least 75%;

20 C. For fiscal year 2022, at least 70%;

21 D. For fiscal year 2023, at least 65%; **AND**

22 E. For fiscal year 2024, **AND EACH FISCAL YEAR**
23 **THEREAFTER**, at least [60%] **55%**; and

24 [F. For fiscal year 2025, and each fiscal year thereafter, at
25 least 55%; and]

26 2. For the per pupil grant, a public school, including a public
27 charter school, with a concentration of poverty level of:

28 A. For fiscal year 2022, at least 80%;

- 1 B. For fiscal year 2023, at least 75%;
- 2 C. For fiscal year 2024, at least [70%] **65%**;
- 3 D. For fiscal year 2025, at least [65%] **60%**; AND
- 4 E. For fiscal year 2026, AND EACH FISCAL YEAR
5 **THEREAFTER**, at least [60%; and
- 6 F. For fiscal year 2027, and each fiscal year thereafter, at
7 least] 55%.

8 (ii) “Eligible school” includes an alternative option program in the
9 local school system if the students in the program are not included in the count of eligible
10 students for another program or school to determine eligibility for the concentration of
11 poverty grant.

12 (iii) “Eligible school” does not include a school that is eligible to
13 receive funding under this section but has closed.

14 (5) “Eligible student” means the compensatory education enrollment as
15 defined in § 5–222 of this subtitle in the second prior fiscal year rounded to the nearest
16 whole number.

17 (6) “Locally funded county” means a county board that receives a
18 compensatory education State share under § 5–221(c)(2) of this subtitle.

19 (7) “Needs assessment” means the assessment completed under § 9.5–104
20 of this article.

21 (8) “Per pupil grant amount” means, for all eligible schools in the county,
22 the per pupil amount for each eligible school calculated under subsection (d) of this section
23 multiplied by the number of eligible students in the school.

24 (9) “Per pupil maximum amount” means:

25 (i) For fiscal year 2022, \$3,374.48; and

26 (ii) For each subsequent fiscal year, the prior fiscal year amount
27 increased by the inflation adjustment.

28 (10) “Program” means the Concentration of Poverty School Grant Program
29 established under this section.

30 (11) “Sliding scale adjustment factor” means:

31 (i) For fiscal year 2022, \$7,422.33; and

1 (ii) For each subsequent fiscal year, the prior fiscal year amount
2 increased by the inflation adjustment.

3 (12) “Sliding scale upper limit” means:

4 (i) For fiscal year 2022, \$13,495.15; and

5 (ii) For each subsequent fiscal year, the prior fiscal year amount
6 increased by the inflation adjustment.

7 (13) “State funded county” means a county that is not a locally funded
8 county.

9 (14) “Wraparound services” includes the wraparound services defined under
10 § 9.9–101 of this article.

11 (b) (1) There is a Concentration of Poverty School Grant Program in the State.

12 (2) The purpose of the Program is to provide grants to eligible schools with
13 a high concentration of eligible students.

14 (3) The Program consists of the:

15 (i) Personnel grant; and

16 (ii) Per pupil grant.

17 (c) (1) (i) 1. For fiscal year 2022, the State shall distribute a personnel
18 grant to each county board equal to \$248,833 for each eligible school in the county.

19 2. In each subsequent fiscal year, the personnel grant equals
20 the personnel grant in the prior fiscal year increased by the inflation adjustment.

21 (ii) Except as provided in subparagraph (iii) of this paragraph, each
22 county board shall distribute directly to each eligible school the amount provided under
23 paragraph (1)(i) of this subsection.

24 (iii) 1. Except as provided in subsubparagraph 2 of this
25 subparagraph, if a local school system has at least 40 eligible schools, the county board
26 may, on behalf of eligible schools, expend no more than 50% of the funds distributed by the
27 State under this paragraph, provided that a plan is developed in consultation with the
28 eligible schools that ensures that the requirements of paragraphs (2) through (8) of this
29 subsection are met and the plan is submitted to the Accountability and Implementation
30 Board in accordance with § 5–402 of this title.

1 (4) Beginning in fiscal year 2030, each eligible school shall receive 100% of
2 the per pupil grant calculated under paragraph (2) of this subsection rounded to the nearest
3 whole dollar.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
5 1, 2023.