

EDUCATION ARTICLE: TITLE 8. SPECIAL PROGRAMS FOR EXCEPTIONAL CHILDREN :

SUBTITLE 1. DISADVANTAGED CHILDREN :

§ 8-101. Definitions.

(a) *In general.*- In this subtitle the following words have the meanings indicated.

(b) Disadvantaged child.- "Disadvantaged child" means a child who:

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

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

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

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

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

(c) *Program of compensatory education.*- "Program of compensatory education" means a program adopted by a county board for any of the grades prekindergarten through 12 that:

(1) Is in the form required by this subtitle;

(2) Supplements the regular educational programs of the county board;

(3) Includes a plan for the identification of disadvantaged children; and

(4) Has the purpose of providing stimulation of the intellectual abilities of disadvantaged children.

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

§ 8-701. Definitions.

(a) *In general.*- In this subtitle the following words have the meanings indicated.

(b) At-risk youth.- "At-risk youth" means an individual who meets at least two of the eligibility criteria determined by the Department and an operator that may include:

(1) Being eligible for free or reduced price meals;

- (2) A record of suspensions, office referrals, or chronic truancy;
- (3) A failure to achieve a proficient or advanced level on State assessments in reading or mathematics, or both;
- (4) Having a disability;
- (5) A referral from a teacher, counselor, social worker, or community-based service organization;
- (6) The head of household is a single parent;
- (7) The head of household is not a custodial parent;
- (8) The adjusted gross family income is below the federally established poverty guidelines;
- (9) The family receives temporary cash assistance under the State Family Investment Program; or
- (10) A member of the family has been incarcerated.

(c) Board.- "Board" means the Board of Trustees of Residential Boarding Education Programs.

(d) Operator.- "Operator" means a private nonprofit or public entity that develops and operates a program.

(e) Program.- "Program" means a residential boarding education program that includes:

- (1) A remedial curriculum for middle school grades;
- (2) A college-preparatory curriculum for high school grades;
- (3) Extracurricular activities such as athletics and cultural events;
- (4) College admissions counseling;
- (5) Health and mental health services;
- (6) Tutoring;
- (7) Community service opportunities; and
- (8) A residential student life program.

§ 8-702. Establishment and operation.

A residential boarding education program for at-risk youth shall be operated under the supervision of the Department.

§ 8-703. Eligibility.

A student shall be eligible to participate in a program if the student is:

- (1) A disadvantaged child as defined in § 8-101 of this title;
- (2) An at-risk youth;
- (3) A resident of the State; and
- (4) Currently enrolled in grade 5 or grade 6.

§ 8-704. Department to contract with operator to provide services.

(a) In general.- The Department may contract with an operator to provide at-risk youth in the State with the opportunity to participate in a program.

(b) Qualifications.- The operator shall meet the qualifications established by the Department including:

- (1) Previous experience with a comparable program;
- (2) Measured success with a comparable program; and
- (3) The capacity to finance and secure private funds for the development of a campus for the program.

(c) Written standards.-

- (1) The operator shall adopt written standards for the admission and dismissal of students.
- (2) The standards and any amendments shall be submitted to the State Board for approval.
- (3) The State Board may require modifications to the standards as it considers necessary.

(d) Charter and bylaws.- The operator shall submit its charter and bylaws to the State Board for approval.

(e) Outreach programs.- The operator shall conduct an outreach program for each local education agency in the State to:

- (1) Provide information to the local education agency about the program; and

(2) Encourage student recruitment and participation from each county in the State.

§ 8-705. Governing Board.

(a) In general.- The Board shall govern a program.

(b) Members.-

(1) The Board consists of 25 members.

(2) Of the 25 members:

(i) 5 shall be appointed by the Governor, with the advice of the State Superintendent and the advice and consent of the Senate; and

(ii) 20 shall be selected in accordance with the charter and bylaws of the program.

(c) Terms.-

(1) The term of a member is 3 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2006.

(3) At the end of a term, a member continues to serve until a successor is appointed or selected and qualifies.

(4) A member may not serve for more than 3 consecutive full terms.

(5) A vacancy shall be filled in the same manner in which the vacating member was appointed or selected.

(d) Officers.- The Board shall determine its officers.

§ 8-706. Program requirements and accountability.

A program shall be subject to:

(1) The same accountability mandates of the federal No Child Left Behind Act as other public schools in the State; and

(2) The requirements of 20 U.S.C. § 1400, et seq. and § 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.

§ 8-707. Salaries.

Teachers and any other professional personnel at the program shall be paid an annual salary that is at least equal to the salary received by public school teachers and professional personnel of similar training and experience in the county in which the school is located.

§ 8-708. Reporting requirements.

(a) Board reports.- The Board shall submit to the Department on or before July 1 of each year:

- (1) The name of each student who participated in the program during the preceding year;
- (2) The name of each student projected to participate in the program during the upcoming year;
- (3) The county in which each student who participated in the program during the preceding year was domiciled;
- (4) The county in which each student projected to participate in the program during the upcoming year is domiciled;
- (5) The total number of students that participated in the program during the preceding year;
- (6) The total number of students projected to participate in the program during the upcoming year;
- (7) The actual operation budget for the preceding year; and
- (8) The projected operating budget for the upcoming year.

(b) Department reports.- The Department shall report:

- (1) On or before April 1 and October 1 of each year, to each county board regarding:
 - (i) The number of students who are participating in the program from the county; and
 - (ii) The name of each student from the county who is being charged to the county; and
- (2) On or before December 1 of each year, to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly regarding:
 - (i) The information provided under subsection (a) of this section; and
 - (ii) Whether the funds appropriated under § 8-710 of this subtitle should be increased or decreased.

§ 8-709. Funding.

(a) Definitions.-

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

(2) "Cost per pupil" means the amount of money spent by a county board for the operating expenses of public education in the county from county and State sources divided by the full-time equivalent enrollment of the county as defined in § 5-202(a) of this article.

(3) "State sources" means funds provided to a county board in accordance with §§ 5-202, 5-207, 5-208, 5-209, and 5-210 of this article.

(b) Determination of domicile for calculation of state aid.- Students participating in a program shall be included in the enrollment of the county in which the student is domiciled for the purposes of calculating State aid under §§ 5-202, 5-207, 5-208, 5-209, and 5-210 of this article.

(c) Payment of local funds to the Department.-

(1) To support the cost of instructional programming for a program, each county board shall pay to the Department an amount equal to 85% of the cost per pupil for each student who participates in a program but is domiciled in the county.

(2) Each county governing body shall include a student participating in a program in the full-time equivalent enrollment used for calculating the required local funds appropriated under § 5-202(d) of this article.

(d) Disbursement of funds.- The Department shall disburse the funds received in accordance with this section to the program.

§ 8-710. Additional funding to cover transportation, boarding and program administration.

(a) In general.- In addition to the funds disbursed in accordance with § 8-709 of this subtitle, the Governor shall appropriate funds to the Department in accordance with this section to cover the transportation, boarding, and administrative costs of a program.

(b) Appropriation of funds by Governor.-

(1) Subject to paragraph (3) of this subsection, beginning in fiscal year 2009, the Governor shall appropriate at least \$2,000,000 to the Department in order for a program to serve up to 80 students.

(2) For each additional 10 students enrolled in a program, as reported by the Department, the Governor shall appropriate an additional \$250,000.

(3) The total amount of funds appropriated under this subsection may not exceed \$10,000,000 for any fiscal year.

(c) Additional funding.- This section may not be construed to prohibit a program from receiving funds from private, federal, or other sources.