

Chapter 531

(House Bill 886)

AN ACT concerning

Maryland After-School and Summer Opportunity Fund Program

FOR the purpose of transferring the Maryland After-School Opportunity Fund Program from the State Department of Education to the Governor's Office for Children; altering the name of the Program; requiring the Executive Committee of the Program's Advisory Board to use a certain framework and consult with a certain network; altering the membership of the Program's Advisory Board and requiring the Advisory Board to develop a certain strategy; requiring a certain plan to address certain issues; limiting grant eligibility to nonprofit organizations; establishing certain parameters for awarding grants; requiring the Executive Committee to review annually certain regulations and to adopt certain regulations by a certain time; making conforming changes; defining certain terms; and generally relating to the Maryland After-School and Summer Opportunity Fund Program.

BY transferring

Article – Education

Section 7-1201 through 7-1207, respectively, and the subtitle “Subtitle 12. Maryland After-School Opportunity Fund Program”

Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)

to be

Article – Human Services

Section 8-1101 through 8-1107, respectively, and the subtitle “Subtitle 11. Maryland After-School Opportunity Fund Program”

Annotated Code of Maryland

(2007 Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Human Services

Section 8-1101 through 8-1107 to be under the amended subtitle “Subtitle 11. Maryland After-School and Summer Opportunity Fund Program”

Annotated Code of Maryland

(2007 Volume and 2011 Supplement)

(As enacted by Section 1 of this Act)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 7-1201 through 7-1207, respectively, and the subtitle “Subtitle 12. Maryland After-School Opportunity Fund Program” of Article –

Education of the Annotated Code of Maryland be transferred to be Section(s) 8–1101 through 8–1107, respectively, and the subtitle “Subtitle 11. Maryland After–School Opportunity Fund Program” of Article – Human Services of the Annotated Code of Maryland.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Human Services

Subtitle 11. Maryland After–School **AND SUMMER** Opportunity Fund Program.

8–1101.

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

(b) “Advisory Board” means the Advisory Board on After–School **AND SUMMER** Opportunity programs.

(c) “After–school **AND SUMMER** opportunity programs” means enrichment programs for school age children that take place:

- (1) before school starts each day and after school ends each day;
- (2) on weekends;
- (3) on holidays;
- (4) during vacations; and
- (5) during summer break.

(d) [“Department” means the State Department of Education.

(e)] “Executive Committee” means the Executive Committee of the Advisory Board.

[(f)] **(E)** (1) “Fund” means the Maryland After–School **AND SUMMER** Opportunity Fund.

(2) “Fund” does not include:

(I) money provided under the Purchase of Child Care Program administered by the **STATE** Department **OF EDUCATION; OR**

(II) MONEY PROVIDED UNDER THE CHILDREN'S CABINET INTERAGENCY FUND ADMINISTERED BY THE OFFICE.

(F) "NONPROFIT ORGANIZATION" MEANS AN ORGANIZATION THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE.

(g) "Program" means the Maryland After-School AND SUMMER Opportunity Fund Program.

(h) (1) "Technical assistance" [includes] MEANS assistance in the identification and implementation of effective practices for after-school AND SUMMER programs.

(2) "TECHNICAL ASSISTANCE" INCLUDES ASSISTANCE IN COMPLIANCE WITH THE MARYLAND OUT OF SCHOOL TIME PROGRAMS' QUALITY STANDARDS FRAMEWORK.

8-1102.

(a) There is a Maryland After-School AND SUMMER Opportunity Fund Program.

(b) There is a Maryland After-School AND SUMMER Opportunity Fund in the Program.

(c) The Executive Committee, in consultation with the Advisory Board, shall administer the Program.

(d) The Executive Committee shall [consult with the Maryland Partnership for Children, Youth, and Families in developing the Program's standards and in operating the Program] USE THE MARYLAND OUT OF SCHOOL TIME PROGRAMS' QUALITY STANDARDS FRAMEWORK TO MONITOR AND ASSESS AFTER-SCHOOL AND SUMMER PROGRAMS THAT PARTICIPATE IN THE PROGRAM.

(E) THE MARYLAND OUT OF SCHOOL TIME PROGRAMS' QUALITY STANDARDS FRAMEWORK DOES NOT SUPERSEDE APPLICABLE CHILD CARE CENTER LICENSING REGULATIONS.

8-1103.

(a) There is an Advisory Board on After-School AND SUMMER Opportunity programs in the Program.

(b) The Advisory Board shall consist of the following individuals:

- (1) the Governor or the Governor's designee;
- (2) the President of the Senate of Maryland or the President's designee;
- (3) the Speaker of the House of Delegates of Maryland or the Speaker's designee;
- (4) the State Superintendent of Schools or the Superintendent's designee;
- (5) the Secretaries of Health and Mental Hygiene, Juvenile Services, and Human Resources or their designees;
- (6) the Special Secretary of the **GOVERNOR'S** Office for Children[, Youth, and Families] or the Special Secretary's designee;
- (7) one representative of the Office of Crime Control and Prevention designated by the Governor; and
- (8) **[fifteen]** ~~SIXTEEN~~ **SEVENTEEN** individuals serving 2-year terms, to be appointed by the Governor, as follows:
 - (i) two members who represent the children's advocacy community;
 - (ii) two members of the after-school provider community who represent providers not included in [items (vi) and] **ITEM** (vii) of this item;
 - (iii) two members who are parents of students enrolled in the State in kindergarten through grade 12;
 - (iv) two members who are students enrolled in the State in grades 6 through 12;
 - (v) one teacher who is working in a school in the State;
 - (vi) one member who [is a registered family child care provider who serves school age children] **REPRESENTS THE STATEWIDE NETWORK OF CHILD CARE RESOURCE AND REFERRAL CENTERS;**
 - (vii) one member who [is a staff member of a licensed child care center who serves school age children] **REPRESENTS THE STATEWIDE ALLIANCE OF LICENSED SCHOOL AGE CHILD CARE PROVIDERS;**

(viii) one member of a local management board;

(ix) one member of a local board of education;

(x) one member who is a professional in the field of recreation and parks that delivers [licensed or regulated child care] **AFTER SCHOOL AND SUMMER** programs; [and]

(xi) one member who represents the concerns of [developmentally] disabled children; ~~AND~~

(XII) ONE MEMBER WHO REPRESENTS THE OFFICE OF CHILD CARE IN THE STATE DEPARTMENT OF EDUCATION; AND

(XIII) ONE MEMBER WHO REPRESENTS THE DEPARTMENT OF DISABILITIES.

(c) (1) There is an Executive Committee of the Advisory Board.

(2) The Executive Committee consists of the following individuals:

(i) the Governor or the Governor's designee;

(ii) the Secretary of Human Resources or the Secretary's designee;

(iii) the State Superintendent of Schools or the Superintendent's designee;

(iv) the Secretary of Juvenile Services or the Secretary's designee;

(v) the Secretary of Health and Mental Hygiene or the Secretary's designee; and

(vi) the Special Secretary of the **GOVERNOR'S** Office for Children[, Youth, and Families] or the Special Secretary's designee.

(d) (1) The Governor shall serve as the chair of the Advisory Board and of the Executive Committee.

(2) The Governor may designate the Lieutenant Governor or one of the secretaries serving on the Advisory Committee and the Executive Committee to act as chair in the Governor's absence.

(E) THE ADVISORY BOARD SHALL DEVELOP A STRATEGY TO PROVIDE TECHNICAL ASSISTANCE THROUGH THE MARYLAND OUT OF SCHOOL TIME NETWORK.

8-1104.

(a) The [Department] **OFFICE** shall administer the Fund as directed by the Executive Committee.

(b) (1) Prior to final action by the Executive Committee, the Advisory Board shall review and make recommendations on:

- (i) Program standards;
- (ii) requests for proposals; and
- (iii) criteria for awarding grants.

(2) A member of the Advisory Board may not vote on or make any recommendation to the Executive Committee if the member has a financial interest that may be substantially affected by that recommendation.

(c) (1) On or before December 15 of each year, the Executive Committee, in consultation with the Advisory Board, shall review and update the comprehensive plan of after-school **AND SUMMER** opportunity programs as described in paragraph (2) of this subsection.

(2) The comprehensive plan shall address at least the following issues:

- (i) integration of public and private funding sources;
- (ii) maximization of federal funding opportunities;
- (iii) consideration of the special needs of [developmentally] disabled children, including needed services, supports, and appropriate provider training;

- (iv) promotion of the use of school buildings and local public transportation resources for after-school **AND SUMMER** opportunity programs;

- (v) where [applicable, use of the local child care resource and referral centers of the Maryland Child Care Resource Network for] **NEEDED**, technical assistance [purposes] **FOR COMPLIANCE WITH THE MARYLAND OUT OF SCHOOL TIME PROGRAMS' QUALITY STANDARDS FRAMEWORK;**

(vi) promotion of continued expansion of high quality after-school AND SUMMER opportunity programs in the State; and

(vii) [consideration of implementing the full range of options for improving the delivery of after-school opportunity programs, including the potential expansion of the purchase of care voucher system] **INTEGRATION OF ANY PLANS DEVELOPED BY LOCAL JURISDICTIONS.**

(d) (1) Each fiscal year, in consultation with the Advisory Board and subject to the availability of money in the Fund, the Executive Committee shall issue a request for proposals under the State procurement law soliciting bids for a grant from the Fund.

(2) Subject to subsection (b)(2) of this section, the Executive Committee may award a grant from the Fund to an applicant only after consultation with the Advisory Board and upon a favorable vote of a majority of the members of the Executive Committee.

(3) In any fiscal year, the total grants awarded to applicants operating within a particular county or Baltimore City may not exceed 15% of the total grants awarded in that fiscal year.

(4) **ONLY NONPROFIT ORGANIZATIONS ARE ELIGIBLE TO RECEIVE A GRANT.**

(5) The Executive Committee must identify and ensure that a responsible **NONPROFIT** organization will administer any grant awarded from the Fund.

(e) (1) In selecting [an] **A NONPROFIT** organization to administer a grant from the Fund, the Executive Committee shall select the responsive and responsible bidder whose application best incorporates features that will have a positive measurable impact on one or more of the conditions of well-being for Maryland children and youth identified by [the Maryland Partnership for Children, Youth, and Families] **THE MARYLAND OUT OF SCHOOL TIME PROGRAMS' QUALITY STANDARDS FRAMEWORK.**

(2) **THE EXECUTIVE COMMITTEE SHALL ENSURE FUNDS ARE GRANTED TO NONPROFIT ORGANIZATIONS IN ALL GEOGRAPHIC AREAS OF THE STATE AS EQUITABLY AS POSSIBLE.**

(f) The Executive Committee may award a planning grant from the Fund to assist [an] **NONPROFIT [organization] ORGANIZATIONS** in a county to prepare an application for a grant for the next fiscal year.

(G) THE EXECUTIVE COMMITTEE MAY AWARD A CAPACITY BUILDING GRANT FROM THE FUND TO ASSIST NONPROFIT ORGANIZATIONS TO INCREASE STAFF CAPACITY, TRAINING, AND SUSTAINABILITY OF THE PROGRAMS.

8–1105.

Subject to § 2–1246 of the State Government Article, the Executive Committee shall report by December 31 of each year to the General Assembly on the implementation of the Program, including an evaluation of the effectiveness of the after–school **AND SUMMER** opportunity programs funded by grants under the Program.

8–1106.

(A) The Executive Committee shall adopt regulations to carry out the provisions of this subtitle.

(B) THE EXECUTIVE COMMITTEE SHALL ANNUALLY REVIEW REGULATIONS.

8–1107.

This subtitle may be cited as the Maryland After–School **AND SUMMER** Opportunity Fund Act.

SECTION 3. AND BE IT FURTHER ENACTED, That the Executive Committee established under Title 8, Subtitle 11 of the Human Services Article of the Annotated Code of Maryland shall adopt regulations to carry out the provisions of this Act within 3 months from the enactment of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012.

Approved by the Governor, May 22, 2012.