

1. Born outside of the United States or whose native language is not English;
2. Who comes from an environment where a language other than English is dominant; or
3. Who is an American Indian or Alaskan native and comes from an environment where a language other than English has had a significant impact on the student's level of English language proficiency.

(2) (i) Subject to the provisions of subparagraph (ii) of this paragraph, the amount of the grant shall be \$800 times the number of qualified full-time equivalent students who are enrolled in a county ESOL program and at the community college.

(ii) 1. The total amount of the grants under this paragraph may not exceed \$1,000,000 for any fiscal year.

2. If, for any fiscal year, the total amount of the grants calculated under subparagraph (i) of this paragraph would exceed \$1,000,000, then each grant shall be prorated by the amount necessary to reduce the total amount of the grants to \$1,000,000.

(3) (i) If the amount that is appropriated to a board under this subsection for any fiscal year is more than the actual cost of providing ESOL programs to students enrolled at the community college in that county or region, the excess funds shall be paid back to the State and credited to the General Fund of the State.

(ii) A board may not transfer State funds received under this subsection to any other program or category.

16-406.

(a) The Commission shall certify to the treasurer of each county:

(1) On or before September 30 and March 31 of each year, one half of the amount it estimates to be the county's share under § 16-403 of this subtitle; and

(2) After the annual audit of each community college, any discrepancy between the payments made and the actual amount of the county's share under § 16-403 of this subtitle for the preceding fiscal year, which shall be compensated for during the fiscal year.

(b) (1) Except as provided in paragraph (2) of this subsection, within 5 days after it receives a certification from the Commission, the county shall pay the amount due to the board of trustees of the community college.

(2) The board of trustees of a community college and the governing body of a county may agree in writing to a payment schedule for the county's share under § 16-403 of this subtitle. If, prior to the 5th day after receiving notification from the Commission, there is a payment schedule agreed to in accordance with this paragraph, the county shall make payments in accordance with that schedule. If a county fails to make a payment in accordance with the schedule, all amounts certified by the Commission but not yet paid by a county shall become due and payable immediately.