

CRITERIA: THE STUDENT WAS BORN OUTSIDE OF THE UNITED STATES OR WHOSE NATIVE LANGUAGE IS NOT ENGLISH; THE STUDENT COMES FROM AN ENVIRONMENT WHERE A LANGUAGE OTHER THAN ENGLISH IS DOMINANT; OR THE STUDENT IS AN AMERICAN INDIAN OR ALASKAN NATIVE AND COMES FROM AN ENVIRONMENT WHERE A LANGUAGE OTHER THAN ENGLISH HAS HAD A SIGNIFICANT IMPACT ON HIS/HER LEVEL OF ENGLISH LANGUAGE PROFICIENCY.

(III) "NON- AND LIMITED-ENGLISH PROFICIENT STUDENT COUNT" MEANS THE NUMBER OF NON- AND LIMITED-ENGLISH PROFICIENT STUDENTS AS OF ~~OCTOBER 31~~ MAY 15 OF A SCHOOL YEAR.

(2) EXCEPT AS PROVIDED UNDER REGULATIONS ADOPTED BY THE STATE BOARD OF EDUCATION, A STUDENT MAY NOT BE INCLUDED IN THE NON- AND LIMITED-ENGLISH PROFICIENCY STUDENT COUNT FOR MORE THAN 2 SCHOOL YEARS.

(B) (1) BEGINNING IN FISCAL YEAR 1995, THE DEPARTMENT SHALL DISTRIBUTE ANNUALLY TO EACH COUNTY BOARD A GRANT FOR THE PURPOSE OF PROVIDING INSTRUCTION AND SERVICES TO NON- AND LIMITED-ENGLISH PROFICIENT STUDENTS.

(2) (I) IN FISCAL YEAR 1995, THE AMOUNT OF THE GRANT SHALL BE NO LESS THAN \$1,000 TIMES DISTRIBUTED ON THE BASIS OF THE NON- AND LIMITED-ENGLISH PROFICIENT STUDENT COUNT FOR THE SCHOOL YEAR PRIOR TO THE FISCAL YEAR FOR WHICH THE APPROPRIATION IS PROVIDED.

(II) ~~FOR FISCAL YEAR 1996 AND EVERY YEAR THEREAFTER, THE AMOUNT OF THE GRANT SHALL EQUAL GOVERNOR SHALL INCLUDE IN THE STATE BUDGET FUNDING FOR THE GRANT, IN AN AMOUNT AT LEAST EQUAL TO \$500 TIMES THE NON- AND LIMITED-ENGLISH PROFICIENT STUDENT COUNT FOR THE SECOND PRECEDING SCHOOL YEAR PRIOR TO THE FISCAL YEAR FOR WHICH THE APPROPRIATION IS PROVIDED. THE AMOUNT OF THE GRANT FOR THE PREVIOUS FISCAL YEAR INCREASED BY THE SAME PERCENTAGE AS THE INCREASE IN THE CONSUMER PRICE INDEX IN MARYLAND FOR THE PRECEDING FISCAL YEAR.~~

(3) TO BE ELIGIBLE TO RECEIVE THE GRANTS PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION, A COUNTY BOARD SHALL HAVE PROGRAMS FOR PROVIDING INSTRUCTION AND SERVICES TO NON- AND LIMITED-ENGLISH PROFICIENT STUDENTS THAT ARE APPROVED BY THE DEPARTMENT.

(C) (1) THE DEPARTMENT SHALL ESTABLISH GUIDELINES FOR PROGRAMS FOR NON- AND LIMITED-ENGLISH PROFICIENT STUDENTS.

(2) A COUNTY BOARD SHALL EXPEND THE STATE FUNDS RECEIVED UNDER THIS SECTION FOR PROGRAMS FOR NON- AND LIMITED-ENGLISH PROFICIENT STUDENTS AND SHALL REPORT ANNUALLY TO THE DEPARTMENT ON THE ACTUAL EXPENDITURES OF THE STATE FUNDS RECEIVED UNDER THIS SECTION.