

(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.

16-607.1.

(A) (1) BEGINNING WITH FISCAL YEAR ~~1997~~ 1996, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET SUBMISSION A GENERAL FUND APPROPRIATION FOR BALTIMORE CITY COMMUNITY COLLEGE IN THE AMOUNT PROVIDED IN SUBSECTION (B) OF THIS SECTION TO PROVIDE INSTRUCTION AND SERVICES TO STUDENTS ENROLLED IN AN ENGLISH FOR SPEAKERS OF OTHER LANGUAGES ("ESOL") PROGRAM.

(2) TO QUALIFY FOR A GRANT UNDER THIS SECTION, EACH PARTICIPANT IN THE PROGRAM SHALL BE A STUDENT:

(I) BORN OUTSIDE OF THE UNITED STATES OR WHOSE NATIVE LANGUAGE IS NOT ENGLISH;

(II) WHO COMES FROM AN ENVIRONMENT WHERE A LANGUAGE OTHER THAN ENGLISH IS DOMINANT; OR

(III) 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.

(B) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS SUBSECTION, THE AMOUNT OF THE GRANT SHALL BE \$800 TIMES THE NUMBER OF QUALIFIED FULL-TIME EQUIVALENT STUDENTS WHO ARE ENROLLED IN A BALTIMORE CITY COMMUNITY COLLEGE ESOL PROGRAM, AS CERTIFIED BY THE MARYLAND HIGHER EDUCATION COMMISSION.