

(8) Any employer Social Security contributions required by federal law for any employee of a board of community college trustees shall remain the obligation of the employer.

(9) The State contribution to retirement and fringe benefit costs is not included in the calculations of amounts under this subsection.

[(c)](D) In each fiscal year, in order for a board to receive an increase in the State share of support, the county share, in the aggregate, that supports the community college or colleges shall equal or exceed the aggregate amount of operating fund appropriations made to the board by the county or all of the counties supporting the college in the previous fiscal year.

[(d)](E) (1) (i) Beginning in Fiscal Year 1996, a grant in the amount provided in paragraph (2) of this subsection shall be distributed to each board in order to provide instruction and services to students enrolled in an English for Speakers of Other Languages ("ESOL") program.

(ii) To qualify for a grant under this subsection, each participant in the program shall be a student:

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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1997.