

(2) IF IN THE JUDGMENT OF THE STATE SUPERINTENDENT, THE LOCAL EDUCATION AGENCY'S MARYLAND LEARNING SUCCESS PROGRAM PLAN WILL NOT EFFECTIVELY MAXIMIZE THE EDUCATIONAL RESULTS OF REDUCED CLASS SIZES;

(3) IF IN THE STATE SUPERINTENDENT'S JUDGMENT, THE LOCAL EDUCATION AGENCY'S IMPLEMENTATION OF THE MARYLAND LEARNING SUCCESS PROGRAM GRANTS, FEDERAL CLASS SIZE REDUCTION INITIATIVE GRANTS PROVIDED UNDER PUBLIC LAW 105-277, AND ANY OTHER FEDERAL FUNDS PROVIDED SPECIFICALLY FOR THE PURPOSE OF ADDING TEACHERS HAS NOT BEEN EXPENDED EFFICIENTLY, EFFECTIVELY, AND IN ACCORDANCE WITH THE LOCAL EDUCATION AGENCY'S MARYLAND LEARNING SUCCESS PROGRAM PLAN;

(4) IF THE LOCAL EDUCATION AGENCY'S MARYLAND LEARNING SUCCESS PROGRAM PLAN OR MARYLAND LEARNING SUCCESS PROGRAM REPORT DO NOT MEET THE CRITERIA SET FORTH IN THIS SECTION AND IN ANY GUIDELINES OR REGULATIONS ESTABLISHED PURSUANT TO THIS SECTION; OR

(5) FOR FISCAL YEARS 2001 AND 2002, IN LOCAL EDUCATION AGENCIES WHERE THE NUMBER OF PROVISIONALLY CERTIFIED TEACHERS EXCEEDS 2 PERCENT OF THE TOTAL NUMBER OF TEACHERS, IF, IN THE JUDGMENT OF THE STATE SUPERINTENDENT, THE PLAN DOES NOT PROVIDE AN EFFECTIVE STRATEGY FOR REDUCING THE NUMBER OF PROVISIONALLY CERTIFIED TEACHERS TO 2 PERCENT OF THE TOTAL NUMBER OF TEACHERS TO 2 PERCENT OF THE TOTAL NUMBER OF TEACHERS BY JUNE 30, 2002.

(G) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (D)(2) OF THIS SECTION, THE STATE BOARD SUPERINTENDENT MAY ANNUALLY WAIVE OR MODIFY THE GRANT REDUCTION PENALTY IN SUBSECTION (D)(2) OF THIS SECTION, IF THE LOCAL EDUCATION AGENCY HAS DEMONSTRATED IN WRITING THAT IT HAS MADE:

(1) HAS MADE SUBSTANTIAL EFFORTS TOWARDS REDUCING THE NUMBER OF PROVISIONALLY CERTIFIED TEACHERS;

(2) HAS MADE SIGNIFICANT ATTEMPTS TO RECRUIT AND HIRE CERTIFIED TEACHERS; AND

(3) HAS MADE SIGNIFICANT ATTEMPTS TO ASSIST PROVISIONALLY CERTIFIED TEACHERS IN BECOMING CERTIFIED IN THIS STATE; AND

(4) SIGNIFICANT ATTEMPTS TO REHIRE RETIRED CERTIFIED TEACHERS.

(H) THE BOARD SHALL MEASURE SUBSTANTIAL EFFORTS BASED ON THE CHANGE IN THE NUMBER OF PROVISIONALLY CERTIFIED TEACHERS FROM THE ACTUAL NUMBER OF PROVISIONALLY CERTIFIED TEACHERS EMPLOYED AS OF DECEMBER 1, 1999.

(G) (I) NO LOCAL EDUCATION AGENCY MAY EXPEND FUNDS RECEIVED FROM THE MARYLAND LEARNING SUCCESS PROGRAM TO PAY SALARY OR BENEFITS COSTS FOR PROVISIONALLY CERTIFIED TEACHERS.