(1997 Replacement Volume and 1998 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

16–305.

(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] ~~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~~ ~~$2,000,000~~ *$2,500,000* 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~~ ~~$2,000,000~~ *$2,500,000*, then each grant shall be prorated by the amount necessary to reduce the total amount of the grants to ~~$1,000,000~~ ~~$2,000,000~~ *$2,500,000*.]

(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.

(4) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS SUBSECTION, FOR ANY FISCAL YEAR IN WHICH THE STATE APPROPRIATION IS INSUFFICIENT TO FULLY FUND ALL GRANTS ELIGIBLE UNDER THIS SECTION, THE