

[(ii)](3) "Non- and limited-English proficient student" means a student identified as non- or limited-English proficient under the Maryland State Department of Education's Maryland School Performance Program reporting requirements. This definition should be consistent with federal guidelines for the identification of students with limited English proficiency, as defined by the following 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)](4) "Non- and limited-English proficient student count" means the number of non- and limited-English proficient students as of May 15 of a school year.

(5) "WEALTH" HAS THE MEANING PROVIDED IN § 5-202 OF THIS SUBTITLE.

[(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 proficient student count for more than 2 school years.]

[(b)](C) (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 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] THROUGH FISCAL YEAR 1998, the 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.

(III) FOR FISCAL YEAR 1999 AND EVERY FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET FUNDING FOR THE GRANT IN AN AMOUNT AT LEAST EQUAL TO \$1,350 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.

(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~~ SHALL:

(I) HAVE PROGRAMS FOR PROVIDING INSTRUCTION AND SERVICES TO NON- AND LIMITED-ENGLISH PROFICIENT STUDENTS THAT ARE APPROVED BY THE DEPARTMENT; AND

(II) IN ACCORDANCE WITH DEPARTMENT GUIDELINES, ANNUALLY.