

# SENATE BILL 691

O4, F5

5lr1941

---

By: **Senators Benson, Ferguson, Montgomery, and Rosapepe**

Introduced and read first time: February 6, 2015

Assigned to: Education, Health, and Environmental Affairs and Budget and Taxation

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland After-School and Summer Opportunity Fund Program – Funding**  
3 **Requirement**

4 FOR the purpose of establishing the After-School and Summer Opportunity Fund as a  
5 special, nonlapsing fund; specifying the purpose of the Fund; requiring the  
6 Governor's Office for Children to administer the Fund as directed by a certain  
7 committee; requiring the State Treasurer to hold the Fund and the Comptroller to  
8 account for the Fund; specifying the contents of the Fund; providing for the  
9 investment of money in the Fund; requiring the Governor to provide a certain  
10 amount to the Fund in the annual State budget; and generally relating to the  
11 Maryland After-School and Summer Opportunity Program.

12 BY renumbering

13 Article – Human Services  
14 Section 8–1105 through 8–1107, respectively  
15 to be Section 8–1106 through 8–1108, respectively  
16 Annotated Code of Maryland  
17 (2007 Volume and 2014 Supplement)

18 BY repealing and reenacting, without amendments,

19 Article – Human Services  
20 Section 8–1101  
21 Annotated Code of Maryland  
22 (2007 Volume and 2014 Supplement)

23 BY repealing and reenacting, with amendments,

24 Article – Human Services  
25 Section 8–1102 and 8–1104  
26 Annotated Code of Maryland  
27 (2007 Volume and 2014 Supplement)

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to  
2 Article – Human Services  
3 Section 8–1105  
4 Annotated Code of Maryland  
5 (2007 Volume and 2014 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
7 That Section(s) 8–1105 through 8–1107, respectively, of Article – Human Services of the  
8 Annotated Code of Maryland be renumbered to be Section(s) 8–1106 through 8–1108,  
9 respectively.

10 SECTION 2. BE IT FURTHER ENACTED, That the Laws of Maryland read as  
11 follows:

12 **Article – Human Services**

13 8–1101.

14 (a) In this subtitle the following words have the meanings indicated.

15 (b) “Advisory Board” means the Advisory Board on After–School and Summer  
16 Opportunity Programs.

17 (c) “After–school and summer opportunity programs” means enrichment  
18 programs for school age children that take place:

19 (1) before school starts each day and after school ends each day;

20 (2) on weekends;

21 (3) on holidays;

22 (4) during vacations; and

23 (5) during summer break.

24 (d) “Executive Committee” means the Executive Committee of the Advisory  
25 Board.

26 (e) (1) “Fund” means the Maryland After–School and Summer Opportunity  
27 Fund.

28 (2) “Fund” does not include:

29 (i) money provided under the Purchase of Child Care Program  
30 administered by the State Department of Education; or

1 (ii) money provided under the Children’s Cabinet Interagency Fund  
2 administered by the Office.

3 (f) “Nonprofit organization” means an organization that is exempt from taxation  
4 under § 501(c)(3) of the Internal Revenue Code.

5 (g) “Program” means the Maryland After–School and Summer Opportunity Fund  
6 Program.

7 (h) (1) “Technical assistance” means assistance in the identification and  
8 implementation of effective practices for after–school and summer programs.

9 (2) “Technical assistance” includes assistance in compliance with the  
10 Maryland Out of School Time Programs’ Quality Standards Framework.

11 8–1102.

12 (a) There is a Maryland After–School and Summer Opportunity Fund Program.

13 (b) [There is a Maryland After–School and Summer Opportunity Fund in the  
14 Program.

15 (c) The Executive Committee, in consultation with the Advisory Board, shall  
16 administer the Program.

17 [(d)] (C) The Executive Committee shall use the Maryland Out of School Time  
18 Programs’ Quality Standards Framework to monitor and assess after–school and summer  
19 programs that participate in the Program.

20 [(e)] (D) The Maryland Out of School Time Programs’ Quality Standards  
21 Framework does not supersede applicable child care center licensing regulations.

22 8–1104.

23 (a) [The Office shall administer the Fund as directed by the Executive  
24 Committee.

25 (b) (1) Prior to final action by the Executive Committee, the Advisory Board  
26 shall review and make recommendations on:

27 (i) Program standards;

28 (ii) requests for proposals; and

29 (iii) criteria for awarding grants.

1 (2) A member of the Advisory Board may not vote on or make any  
2 recommendation to the Executive Committee if the member has a financial interest that  
3 may be substantially affected by that recommendation.

4 **[(c)] (B)** (1) On or before December 15 of each year, the Executive Committee,  
5 in consultation with the Advisory Board, shall review and update the comprehensive plan  
6 of after-school and summer opportunity programs as described in paragraph (2) of this  
7 subsection.

8 (2) The comprehensive plan shall address at least the following issues:

9 (i) integration of public and private funding sources;

10 (ii) maximization of federal funding opportunities;

11 (iii) consideration of the special needs of disabled children, including  
12 needed services, supports, and appropriate provider training;

13 (iv) promotion of the use of school buildings and local public  
14 transportation resources for after-school and summer opportunity programs;

15 (v) where needed, technical assistance for compliance with the  
16 Maryland Out of School Time Programs' Quality Standards Framework;

17 (vi) promotion of continued expansion of high quality after-school  
18 and summer opportunity programs in the State; and

19 (vii) integration of any plans developed by local jurisdictions.

20 **[(d)] (C)** (1) Each fiscal year, in consultation with the Advisory Board and  
21 subject to the availability of money in the Fund, the Executive Committee shall issue a  
22 request for proposals under the State procurement law soliciting bids for a grant from the  
23 Fund.

24 (2) Subject to subsection (b)(2) of this section, the Executive Committee  
25 may award a grant from the Fund to an applicant only after consultation with the Advisory  
26 Board and upon a favorable vote of a majority of the members of the Executive Committee.

27 (3) In any fiscal year, the total grants awarded to applicants operating  
28 within a particular county or Baltimore City may not exceed 15% of the total grants  
29 awarded in that fiscal year.

30 (4) Only nonprofit organizations are eligible to receive a grant.

31 (5) The Executive Committee must identify and ensure that a responsible  
32 nonprofit organization will administer any grant awarded from the Fund.

1            **[(e)] (D)**        (1)    In selecting a nonprofit organization to administer a grant from  
2 the Fund, the Executive Committee shall select the responsive and responsible bidder  
3 whose application best incorporates features that will have a positive measurable impact  
4 on one or more of the conditions of well-being for Maryland children and youth identified  
5 by the Maryland Out of School Time Programs' Quality Standards Framework.

6            (2)        The Executive Committee shall ensure funds are granted to nonprofit  
7 organizations in all geographic areas of the State as equitably as possible.

8            **[(f)] (E)**        The Executive Committee may award a planning grant from the Fund  
9 to assist nonprofit organizations in a county to prepare an application for a grant for the  
10 next fiscal year.

11           **[(g)] (F)**        The Executive Committee may award a capacity building grant from  
12 the Fund to assist nonprofit organizations to increase staff capacity, training, and  
13 sustainability of the Programs.

14    **8-1105.**

15           **(A)    (1)    THERE IS AN AFTER-SCHOOL AND SUMMER OPPORTUNITY FUND**  
16 **WHICH IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE**  
17 **STATE FINANCE AND PROCUREMENT ARTICLE.**

18           **(2)    THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,**  
19 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

20           **(B)    THE PURPOSE OF THE FUND IS TO PROVIDE GRANTS TO NONPROFIT**  
21 **ORGANIZATIONS UNDER THIS SUBTITLE.**

22           **(C)    THE OFFICE SHALL ADMINISTER THE FUND AS DIRECTED BY THE**  
23 **EXECUTIVE COMMITTEE.**

24           **(D)    THE FUND CONSISTS OF:**

25           **(1)    MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND**

26           **(2)    ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**  
27 **THE BENEFIT OF THE FUND.**

28           **(E)    (1)    THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND**  
29 **IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

30           **(2)    ANY INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED**  
31 **TO THE GENERAL FUND OF THE STATE.**

1           **(F) THE GOVERNOR SHALL PROVIDE IN THE ANNUAL STATE BUDGET AT**  
2 **LEAST \$5,000,000 TO THE FUND.**

3           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
4 1, 2015.