
By: Delegates Frush, Rosapepe, Morgan, and Menes

Introduced and read first time: February 23, 1996

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Noncollegiate Educational Institutions - Participation in Athletic**
3 **Tournaments With Public Schools**

4 FOR the purpose of authorizing the secondary schools of certain noncollegiate
5 educational institutions in the State to participate in certain athletic tournaments
6 with certain public secondary schools in the State; requiring participating
7 noncollegiate educational institutions to abide by certain rules; and generally
8 relating to the noncollegiate educational institutions in the State.

9 BY repealing and reenacting, with amendments,
10 Article - Education
11 Section 2-206
12 Annotated Code of Maryland
13 (1992 Replacement Volume and 1995 Supplement)

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

16 **Article - Education**

17 2-206.

18 (a) In this section, "noncollegiate educational institution" means a school or other
19 institution that offers an educational program but is not an institution of postsecondary
20 education, as defined in § 10-101 of this article.

21 (b) (1) This section does not apply to:

22 (i) Apprenticeship and on-the-job training programs that are subject
23 to the approval of the Apprenticeship and Training Council;

24 (ii) Individuals or entities that offer or arrange for instruction solely
25 for avocational purposes through courses in areas such as art, music, dance, drama,
26 sports, crafts, or photography, if these courses are designed primarily for developing skills
27 for personal enrichment, recreation, or other leisure pursuits; or

28 (iii) Individuals or entities that offer or arrange for a supplemental
29 educational program or tutoring in subjects usually taught in an elementary or secondary
30 school to students concurrently enrolled in public or nonpublic schools.

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1 (2) This section does not apply to these individuals or entities specified in
2 subparagraph (1)(ii) of this subsection solely on the basis that they use the word "school"
3 as a part of their name, in literature or publications such as advertisements, brochures,
4 catalogs or bulletins, or in other pronouncements.

5 (c) With the advice of the State Superintendent, the State Board shall adopt
6 bylaws, rules, and regulations for the approval and accreditation of all public schools.

7 (d) With the advice of the State Superintendent, the State Board shall establish
8 minimum requirements for issuing certificates and diplomas by public and private
9 noncollegiate educational institutions in this State.

10 (e) (1) A noncollegiate educational institution may not operate in this State
11 without a certificate of approval from the State Board.

12 (2) The State Board shall issue a certificate of approval to a noncollegiate
13 educational institution if it finds that the facilities, conditions of entrance and
14 scholarship, and educational qualifications and standards are adequate and appropriate
15 for:

16 (i) The purposes of the institution;

17 (ii) The programs, training, and courses to be taught by the institution;
18 and

19 (iii) The certificates and diplomas to be issued by it.

20 (3) The State Board may not issue a certificate of approval to an institution
21 that practices discrimination based on race, color, or national origin.

22 (4) This subsection does not apply to an institution operated by a bona fide
23 church organization, including the Amish and Mennonite church parochialschools.
24 However, an institution that does not have a certificate of approval from the State Board
25 may not receive State funds, except that an institution operated by a bona fide church
26 organization is not required to have a certificate to receive State funds for eligible
27 students in the food service program who are enrolled in nursery schoolthrough the
28 eighth grade.

29 (F) (1) THE SECONDARY SCHOOL OF A NONCOLLEGIATE EDUCATIONAL
30 INSTITUTION IN THE STATE MAY PARTICIPATE IN AN INTERSCHOLASTIC ATHLETIC
31 TOURNAMENT THAT THE MARYLAND PUBLIC SECONDARY SCHOOLS ATHLETIC
32 ASSOCIATION ADMINISTERS AND SUPERVISES AT THE DISTRICT, REGIONAL, OR
33 STATE LEVEL.

34 (2) IN ORDER TO PARTICIPATE, THE SECONDARY SCHOOL OF A
35 NONCOLLEGIATE EDUCATIONAL INSTITUTION SHALL ABIDE BY THE RULES
36 ESTABLISHED BY THE MARYLAND PUBLIC SECONDARY SCHOOLS ATHLETIC
37 ASSOCIATION FOR PARTICIPATING PUBLIC SCHOOLS.

38 [(f)] (G) (1) If the State Board believes that a noncollegiate educational
39 institution that applies for a certificate of approval does not meet the conditions or
40 standards necessary for the issuance of the certificate, it shall give the institution written
41 notice of the specific deficiencies.

1 (2) Within 20 days of receipt of a notice of deficiencies, the institution may
2 request a hearing before the Board, and, within 60 days of receipt of the request, the
3 Board shall hold a hearing to determine if the certificate of approval should be issued.

4 (3) If, within 6 months from the date on which the application for
5 certification was submitted to the State Board, the institution has received neither a
6 certificate of approval under subsection (e) of this section nor written notice of
7 deficiencies under this subsection, it may request, within 20 days, a hearing before the
8 Board to determine if the certificate of approval should be issued.

9 [(g)] (H) (1) If the State Board believes that a noncollegiate educational
10 institution does not meet the conditions or standards on which its certificate of approval
11 was based, it shall give the institution written notice of this belief.

12 (2) The notice shall specify the alleged deficiencies and direct the institution
13 to correct them within a period of not less than 30 days as set by the Board. If the
14 institution requests a hearing within 20 days of the notice, the Board shall hold a hearing
15 to determine the matter.

16 (3) The order to correct the deficiencies shall be stayed until a
17 determination is made after the hearing.

18 [(h)] (I) (1) The State Board may order a noncollegiate educational institution
19 to end operations if the institution fails to correct the specified deficiencies within the
20 period set by the Board and if:

21 (i) A hearing is not requested; or

22 (ii) After a hearing, the Board finds that the institution does not meet
23 the conditions or standards.

24 (2) The order takes effect 15 days after it is issued.

25 [(i)] (J) (1) An institution has the right to judicial review of any State Board
26 determination under this section as provided by the Administrative Procedure Act.

27 (2) The decision of the State Board is presumed correct and proper and the
28 institution has the burden of proving otherwise.

29 (3) The State Board shall be a party to the proceeding.

30 [(j)] (K) A noncollegiate educational institution shall:

31 (1) Be open for inspection by the State Superintendent or his designee at all
32 reasonable times; and

33 (2) Furnish the reports and information required by the State
34 Superintendent on the forms provided by the State Superintendent.

35 [(k)] (L) (1) Each noncollegiate educational institution, in conjunction with the
36 county health department, shall provide scoliosis screening tests for all of their students
37 at least once in grades 6 through 8.

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1 (2) Each noncollegiate educational institution shall comply with the
2 provisions of § 7-403.1(c) through (e) of this article.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 1996.