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By: **Delegates Elliott, La Vay, Hill, and Stocksdales**  
Introduced and read first time: February 11, 2000  
Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools - Reconstitution - Transfer to Private Schools**

3 FOR the purpose of authorizing a county board of education to offer certain public  
4 school students the option of applying to attend certain private schools under  
5 certain circumstances; requiring a county board to pay certain financial  
6 assistance to certain parents or guardians of students who transfer to a private  
7 school; requiring certain county boards to provide certain notice to private  
8 schools; requiring a county board to determine the number of students who may  
9 transfer under this Act; requiring certain county boards to determine under  
10 certain criteria which students may transfer under certain circumstances;  
11 requiring certain county boards to provide certain information to the parents or  
12 guardians of students; authorizing certain private schools to provide certain  
13 information to the county board; establishing a certain cap on the number of  
14 spaces for public school students that a private school may set aside;  
15 establishing certain qualifications for certain private schools; establishing  
16 certain rights and requirements for certain students who transfer to a private  
17 school; and generally relating to the transfer of certain public school students to  
18 private schools.

19 BY adding to  
20 Article - Education  
21 Section 4-126  
22 Annotated Code of Maryland  
23 (1999 Replacement Volume)

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

26 **Article - Education**

27 4-126.

28 (A) THE PURPOSE OF THIS SECTION IS TO:

1 (1) AUTHORIZE A COUNTY BOARD TO OFFER PUBLIC SCHOOL STUDENTS  
2 CURRENTLY ENROLLED IN A SCHOOL THAT IS ELIGIBLE FOR RECONSTITUTION  
3 UNDER STATE BOARD REGULATIONS THE OPTION OF APPLYING TO ATTEND A  
4 PRIVATE SCHOOL; AND

5 (2) REQUIRE A COUNTY BOARD THAT OFFERS THIS OPTION TO PROVIDE  
6 FINANCIAL ASSISTANCE TO DEFRAY THE COST OF THE STUDENT ATTENDING THE  
7 PRIVATE SCHOOL.

8 (B) (1) IF THE STATE BOARD DETERMINES THAT A PUBLIC SCHOOL IS  
9 ELIGIBLE FOR RECONSTITUTION UNDER STATE BOARD REGULATIONS, THE COUNTY  
10 BOARD IN THE COUNTY IN WHICH THE PUBLIC SCHOOL IS LOCATED MAY OFFER  
11 STUDENTS IN THE PUBLIC SCHOOL THE OPTION OF APPLYING TO ATTEND A PRIVATE  
12 SCHOOL IN THE COUNTY THAT QUALIFIES UNDER SUBSECTION (D)(3) OF THIS  
13 SECTION.

14 (2) A COUNTY BOARD THAT OFFERS THIS OPTION UNDER THIS SECTION  
15 SHALL PROVIDE FINANCIAL ASSISTANCE TO THE TRANSFER STUDENT UNDER  
16 SUBSECTION (F) OF THIS SECTION.

17 (C) (1) A COUNTY BOARD THAT OFFERS STUDENTS THE OPTION OF  
18 APPLYING TO ATTEND A PRIVATE SCHOOL UNDER THIS SECTION SHALL NOTIFY THE  
19 PRIVATE SCHOOLS IN THE COUNTY OF ITS INTENT TO OFFER THIS OPTION.

20 (2) THE COUNTY BOARD SHALL DETERMINE THE NUMBER OF  
21 STUDENTS THAT MAY TRANSFER TO PRIVATE SCHOOLS UNDER THIS SECTION.

22 (3) THE COUNTY BOARD MAY SELECT STUDENTS FOR TRANSFER UNDER  
23 THIS SECTION BY GRANTING PRIORITY TO STUDENTS FROM LOW INCOME FAMILIES,  
24 AS DETERMINED BY A STUDENT'S ELIGIBILITY FOR STATE AND FEDERAL POVERTY  
25 PROGRAMS, OR BY ANY OTHER MEANS IN ITS DISCRETION, IF A GREATER NUMBER OF  
26 STUDENTS ARE ACCEPTED BY A PRIVATE SCHOOL:

27 (I) THAN THE COUNTY BOARD DETERMINES IS NECESSARY TO  
28 TRANSFER FROM THE PUBLIC SCHOOL; OR

29 (II) THAN THERE ARE SPACES AVAILABLE IN A PRIVATE SCHOOL.

30 (4) IF A COUNTY BOARD INTENDS TO OFFER PUBLIC SCHOOL STUDENTS  
31 THE OPTION OF APPLYING TO ATTEND A PRIVATE SCHOOL UNDER THIS SECTION,  
32 THE COUNTY BOARD SHALL PROVIDE THE FOLLOWING INFORMATION TO ALL  
33 PARENTS OR GUARDIANS OF STUDENTS ENROLLED IN THE SCHOOL:

34 (I) THE AVAILABILITY OF THE OPTION TO APPLY TO ATTEND A  
35 PRIVATE SCHOOL;

36 (II) THE ESTIMATED COST OF APPLYING TO AND ATTENDING THE  
37 PRIVATE SCHOOL, INCLUDING PAYMENTS TO BE MADE UNDER SUBSECTION (F) OF  
38 THIS SECTION; AND

1 (III) THE PROCESS FOR APPLYING TO PRIVATE SCHOOLS IN THE  
2 COUNTY.

3 (D) (1) ON NOTIFICATION FROM THE COUNTY BOARD THAT IT INTENDS TO  
4 OFFER PUBLIC SCHOOL STUDENTS THE OPTION OF APPLYING TO ATTEND PRIVATE  
5 SCHOOLS UNDER THIS SECTION, A PRIVATE SCHOOL THAT INTENDS TO ACCEPT  
6 PUBLIC SCHOOL STUDENTS MAY NOTIFY THE COUNTY BOARD OF:

7 (I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE  
8 NUMBER OF SPACES THAT THE PRIVATE SCHOOL IS ABLE TO SET ASIDE FOR PUBLIC  
9 SCHOOL STUDENTS; AND

10 (II) THE COST OF TUITION, BOOKS, TRANSPORTATION, AND OTHER  
11 FEES FOR A STUDENT TO ATTEND THE PRIVATE SCHOOL.

12 (2) THE NUMBER OF SPACES THAT A PRIVATE SCHOOL SETS ASIDE MAY  
13 NOT EXCEED 25 PERCENT OF THE PRIVATE SCHOOL'S PROJECTED ENROLLMENT FOR  
14 THAT SCHOOL YEAR.

15 (3) TO QUALIFY TO RECEIVE TRANSFER STUDENTS UNDER THIS  
16 SECTION, A PRIVATE SCHOOL:

17 (I) SHALL MEET THE EDUCATION, HEALTH, AND SAFETY  
18 STANDARDS REQUIRED BY LAW; AND

19 (II) MAY NOT DISCRIMINATE IN THE ADMISSION OF STUDENTS OR  
20 THE HIRING OF TEACHERS ON THE BASIS OF RACE, SEX, DISABILITY, OR ECONOMIC  
21 STATUS.

22 (E) (1) A STUDENT WHO TRANSFERS TO A PRIVATE SCHOOL UNDER THIS  
23 SECTION SHALL:

24 (I) MEET THE EXISTING ENTRANCE REQUIREMENTS FOR THE  
25 PRIVATE SCHOOL; AND

26 (II) MAINTAIN THE ACADEMIC AND BEHAVIOR STANDARDS OF THE  
27 PRIVATE SCHOOL.

28 (2) IF A STUDENT ENROLLED IN A PRIVATE SCHOOL UNDER THIS  
29 SECTION CONTINUES TO MEET THE ACADEMIC AND BEHAVIOR STANDARDS OF THE  
30 PRIVATE SCHOOL, THEN THE STUDENT MAY ATTEND THE SCHOOL THROUGH THE  
31 HIGHEST GRADE TAUGHT AT THE SCHOOL, EVEN IF THE STATE BOARD DETERMINES  
32 THAT THE STUDENT'S PUBLIC SCHOOL IS NO LONGER ELIGIBLE FOR  
33 RECONSTITUTION.

34 (F) (1) THE PARENTS OR GUARDIANS OF A STUDENT ATTENDING A PRIVATE  
35 SCHOOL UNDER THIS SECTION MAY SUBMIT AN INVOICE TO THE COUNTY BOARD  
36 FOR PAYMENT FOR THE STUDENT'S TUITION, SECULAR BOOKS, TRANSPORTATION,  
37 AND OTHER FEES, INCLUDING COSTS NECESSARY TO ACCOMMODATE THE NEEDS OF  
38 SPECIAL EDUCATION STUDENTS.

1                   (2)     THE SCHOOL BOARD SHALL PAY TO THE PARENTS OR GUARDIANS  
2 THE LESSER OF:

3                   (I)     90 PERCENT OF THE TOTAL COSTS CHARGED ON THE INVOICE  
4 SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION; OR

5                   (II)    75 PERCENT OF THE PER PUPIL COST TO EDUCATE A STUDENT  
6 IN THE COUNTY.

7     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 June 1, 2000.