

SENATE BILL 1142

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6lr3678

By: **Senators Bates, Hershey, Hough, and Salling**

Introduced and read first time: March 2, 2016

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **State Department of Education – McArdle Early Intervention Scholarship**
3 **Program**

4 FOR the purpose of establishing the McArdle Early Intervention Scholarship Program in
5 the State Department of Education; providing for the purpose of the Program;
6 establishing eligibility requirements for students to participate in the Program;
7 establishing Program application requirements; requiring the Department to verify
8 the eligibility of certain students who apply for the Program within a certain period
9 of time; providing that a certain student may attend a certain public school for a
10 certain period of time; providing for the termination of a certain scholarship award;
11 requiring the Department to send a certain notice to certain local school systems
12 under certain circumstances; requiring a local school system to accept and enroll a
13 certain student under certain circumstances; requiring a local school system to
14 provide transportation for a certain student who transfers to a certain public school;
15 requiring the parent or guardian of a certain student to provide transportation for
16 an eligible student under certain circumstances; requiring the parent or guardian of
17 a certain student to notify the Department within a certain period of time to be
18 eligible for a certain scholarship; requiring the Department to notify a certain private
19 school of the amount of a certain student's scholarship; providing for the duties of a
20 certain student and the parent or guardian of a certain student who is awarded a
21 certain scholarship; requiring a local school system to designate a site and time for
22 a certain student to take certain assessments under certain circumstances; requiring
23 the parent or guardian of a certain student to provide transportation to a certain
24 student to take certain assessments under certain circumstances; authorizing the
25 parent or guardian of a certain student to remove a certain student from a certain
26 private school and reenroll the student in a public school on reasonable notice to the
27 Department and a certain local school system; authorizing a certain parent or
28 guardian to transfer a certain student to a different private school on reasonable
29 notice to the Department under certain circumstances; requiring the cost of a certain
30 scholarship to be paid by the State and a certain county in accordance with certain
31 provisions of law; establishing eligibility requirements for certain private schools to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 participate in the Program; authorizing the State Superintendent of Schools to
 2 conduct random site visits to certain private schools for a certain purpose under
 3 certain circumstances; authorizing the State Superintendent to immediately
 4 suspend payment of certain scholarship funds under certain circumstances;
 5 providing that a certain suspension of a scholarship payment may be appealed;
 6 requiring the State Superintendent to deny, suspend, or revoke a private school's
 7 participation in the Program under certain circumstances; authorizing the State
 8 Superintendent to issue a notice of noncompliance to a certain private school under
 9 certain circumstances; establishing certain hearing and appeal procedures;
 10 establishing the duties of the Department relating to the operation of the Program;
 11 establishing the requirements for the disbursement of certain scholarship payments;
 12 establishing requirements for certain private schools that receive scholarship
 13 payments and the parent or guardian of a certain student attending a certain private
 14 school; requiring the Department to request from the Comptroller a sample of certain
 15 warrants for a certain purpose; requiring the Department to adopt certain
 16 regulations; requiring the Department to report to the Governor and the General
 17 Assembly on or before a certain date each year; providing for the construction of this
 18 Act; defining certain terms; and generally relating to the McArdle Early Intervention
 19 Scholarship Program.

20 BY adding to

21 Article – Education

22 Section 8–801 through 8–811 to be under the new subtitle “Subtitle 8. McArdle Early
 23 Intervention Scholarship Program”

24 Annotated Code of Maryland

25 (2014 Replacement Volume and 2015 Supplement)

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

28 **Article – Education**

29 **SUBTITLE 8. MCARDLE EARLY INTERVENTION SCHOLARSHIP PROGRAM.**

30 **8–801.**

31 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 32 INDICATED.

33 (B) “ELIGIBLE STUDENT” MEANS A STUDENT WHO MEETS THE ELIGIBILITY
 34 REQUIREMENTS FOR PARTICIPATION IN THE PROGRAM UNDER § 8–802 OF THIS
 35 SUBTITLE.

36 (C) “PROGRAM” MEANS THE MCARDLE EARLY INTERVENTION
 37 SCHOLARSHIP PROGRAM.

1 (D) "SCHOLARSHIP" MEANS MONEY AWARDED TO AN ELIGIBLE STUDENT
2 UNDER THE PROGRAM TO ATTEND A PRIVATE SCHOOL FOR STUDENTS WITH
3 DISABILITIES OR THAT HAS A SPECIALIZED PROGRAM FOR STUDENTS WITH
4 DISABILITIES.

5 8-802.

6 (A) THERE IS A MCARDLE EARLY INTERVENTION SCHOLARSHIP PROGRAM
7 IN THE DEPARTMENT.

8 (B) THE PURPOSE OF THE PROGRAM IS TO PROVIDE EARLY INTERVENTION
9 SERVICES FOR AND TO IMPROVE THE EDUCATIONAL OUTCOMES OF YOUNG
10 STUDENTS WITH DISABILITIES BY AUTHORIZING THE PARENT OR GUARDIAN TO:

11 (1) SEND THE STUDENT WITH DISABILITIES TO A PUBLIC SCHOOL
12 OTHER THAN THE PUBLIC SCHOOL TO WHICH THE STUDENT IS ASSIGNED; OR

13 (2) USE A SCHOLARSHIP AWARDED UNDER THE PROGRAM TO ALLOW
14 A STUDENT WITH DISABILITIES TO ATTEND A PRIVATE SCHOOL FOR STUDENTS WITH
15 DISABILITIES.

16 (C) (1) A STUDENT IS ELIGIBLE TO PARTICIPATE IN THE PROGRAM IF, AT
17 THE TIME OF INITIAL APPLICATION, THE STUDENT:

18 (I) IS 2 YEARS OLD THROUGH 8 YEARS OLD;

19 (II) HAS AN APPROVED INDIVIDUALIZED EDUCATIONAL
20 PROGRAM;

21 (III) HAS A DOCUMENTED DIAGNOSIS OF A SPEECH
22 IMPAIRMENT, A LANGUAGE IMPAIRMENT, AN EMOTIONAL DISABILITY WITH A
23 DIAGNOSIS OF ANOTHER SPECIFIED LEARNING DISABILITY, OR AUTISM SPECTRUM
24 DISORDER; AND

25 (IV) IF THE CHILD IS OF SCHOOL AGE, ATTENDED A PUBLIC
26 SCHOOL IN THE STATE DURING THE SCHOOL YEAR IMMEDIATELY PRECEDING THE
27 SCHOOL YEAR FOR WHICH THE PARENT OR GUARDIAN IS APPLYING FOR THE
28 PROGRAM.

29 (2) A STUDENT IS NOT ELIGIBLE TO PARTICIPATE IN THE PROGRAM
30 IF THE STUDENT:

1 (I) IS ENROLLED IN A SCHOOL THAT PROVIDES EDUCATIONAL
2 SERVICES TO YOUTH IN THE DEPARTMENT OF JUVENILE SERVICES;

3 (II) IS HOMESCHOOLED; OR

4 (III) IS ENROLLED IN THE MARYLAND SCHOOL FOR THE DEAF
5 OR THE MARYLAND SCHOOL FOR THE BLIND.

6 8-803.

7 (A) THE PARENT OR GUARDIAN OF AN ELIGIBLE STUDENT WHO IS
8 DISSATISFIED WITH THE ELIGIBLE STUDENT'S PROGRESS IN A PUBLIC SCHOOL MAY
9 APPLY TO THE PROGRAM:

10 (1) TO TRANSFER AN ELIGIBLE STUDENT TO A PUBLIC SCHOOL OF
11 THE PARENT'S OR GUARDIAN'S CHOOSING THAT IS NOT THE PUBLIC SCHOOL TO
12 WHICH THE ELIGIBLE STUDENT IS ASSIGNED AND ATTENDING; OR

13 (2) TO RECEIVE A SCHOLARSHIP FOR AN ELIGIBLE STUDENT TO
14 ENROLL IN AND ATTEND A PRIVATE SCHOOL IN ACCORDANCE WITH THIS SUBTITLE.

15 (B) (1) TO APPLY FOR A TRANSFER UNDER SUBSECTION (A)(1) OF THIS
16 SECTION, THE PARENT OR GUARDIAN OF AN ELIGIBLE STUDENT SHALL SUBMIT AN
17 APPLICATION TO THE DEPARTMENT AT LEAST 60 DAYS BEFORE THE FIRST DAY OF
18 THE SCHOOL YEAR.

19 (2) TO APPLY FOR A SCHOLARSHIP UNDER SUBSECTION (A)(2) OF
20 THIS SECTION, THE PARENT OR GUARDIAN OF AN ELIGIBLE STUDENT SHALL SUBMIT
21 TO THE DEPARTMENT:

22 (I) AN APPLICATION FOR THE SCHOLARSHIP AT LEAST 60 DAYS
23 BEFORE THE DATE THE FIRST SCHOLARSHIP PAYMENT IS DUE TO BE DISBURSED TO
24 THE PARENT OR GUARDIAN OF AN ELIGIBLE STUDENT UNDER § 8-808 OF THIS
25 SUBTITLE; AND

26 (II) DOCUMENTATION OF THE ELIGIBLE STUDENT'S
27 ACCEPTANCE FOR ADMISSION TO A PRIVATE SCHOOL THAT IS ELIGIBLE TO
28 PARTICIPATE IN THE PROGRAM UNDER § 8-806 OF THIS SUBTITLE.

29 (C) WITHIN 10 DAYS AFTER RECEIPT OF AN APPLICATION UNDER
30 SUBSECTION (B) OF THIS SECTION, THE DEPARTMENT SHALL VERIFY WHETHER THE
31 STUDENT MEETS THE ELIGIBILITY REQUIREMENTS UNDER § 8-802 OF THIS
32 SUBTITLE.

1 **(D) (1) IF THE PARENT OR GUARDIAN OF AN ELIGIBLE STUDENT CHOOSES**
2 **TO TRANSFER THE ELIGIBLE STUDENT TO ANOTHER PUBLIC SCHOOL, THE ELIGIBLE**
3 **STUDENT MAY CONTINUE ATTENDING THE CHOSEN PUBLIC SCHOOL UNTIL THE**
4 **ELIGIBLE STUDENT GRADUATES FROM HIGH SCHOOL.**

5 **(2) A SCHOLARSHIP AWARDED UNDER THE PROGRAM SHALL**
6 **TERMINATE ON THE SOONER OF:**

7 **(I) THE REENROLLMENT OF AN ELIGIBLE STUDENT IN A**
8 **PUBLIC SCHOOL IF THE SCHOLARSHIP WAS USED AT A PRIVATE SCHOOL;**

9 **(II) THE ELIGIBLE STUDENT'S GRADUATION FROM HIGH**
10 **SCHOOL; OR**

11 **(III) THE ELIGIBLE STUDENT'S 22ND BIRTHDAY.**

12 **8-804.**

13 **(A) AFTER VERIFICATION BY THE DEPARTMENT OF A STUDENT'S**
14 **ELIGIBILITY TO PARTICIPATE IN THE PROGRAM AND THE STUDENT'S INTENT TO**
15 **TRANSFER TO ANOTHER PUBLIC SCHOOL UNDER § 8-803 OF THIS SUBTITLE, THE**
16 **DEPARTMENT SHALL SEND A WRITTEN NOTICE TO:**

17 **(1) THE LOCAL SCHOOL SYSTEM IN WHICH THE ELIGIBLE STUDENT IS**
18 **ASSIGNED AND ATTENDING TO INFORM THE LOCAL SCHOOL SYSTEM OF THE**
19 **PARENT'S OR GUARDIAN'S INTENTION TO TRANSFER THE ELIGIBLE STUDENT TO**
20 **ANOTHER SCHOOL UNDER THE PROGRAM; AND**

21 **(2) THE LOCAL SCHOOL SYSTEM TO WHICH THE ELIGIBLE STUDENT**
22 **IS TRANSFERRING TO INFORM THE LOCAL SCHOOL SYSTEM OF THE PARENT'S OR**
23 **GUARDIAN'S INTENTION TO ENROLL THE ELIGIBLE STUDENT IN A PUBLIC SCHOOL**
24 **WITHIN ITS JURISDICTION.**

25 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
26 **LOCAL SCHOOL SYSTEM SHALL ACCEPT AND ENROLL AN ELIGIBLE STUDENT WHO**
27 **TRANSFERS TO A PUBLIC SCHOOL WITHIN ITS JURISDICTION IN ACCORDANCE WITH**
28 **THIS SUBTITLE.**

29 **(2) A LOCAL SCHOOL SYSTEM MAY REFUSE TO ENROLL AN ELIGIBLE**
30 **STUDENT UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE PUBLIC SCHOOL OR**
31 **PUBLIC SCHOOL PROGRAM CHOSEN BY THE PARENT OR GUARDIAN LACKS**
32 **SUFFICIENT SPACE FOR THE ELIGIBLE STUDENT.**

1 **(C) (1) IF THE PARENT OR GUARDIAN OF AN ELIGIBLE STUDENT CHOOSES**
2 **TO TRANSFER THE ELIGIBLE STUDENT TO ANOTHER PUBLIC SCHOOL WITHIN THE**
3 **SAME LOCAL SCHOOL SYSTEM, THE LOCAL SCHOOL SYSTEM SHALL PROVIDE**
4 **TRANSPORTATION TO THE PUBLIC SCHOOL SELECTED BY THE PARENT OR**
5 **GUARDIAN.**

6 **(2) IF THE PARENT OR GUARDIAN OF AN ELIGIBLE STUDENT CHOOSES**
7 **TO TRANSFER THE ELIGIBLE STUDENT TO A PUBLIC SCHOOL THAT IS NOT IN THE**
8 **SAME LOCAL SCHOOL SYSTEM, THE PARENT OR GUARDIAN SHALL PROVIDE**
9 **TRANSPORTATION TO THE PUBLIC SCHOOL SELECTED BY THE PARENT OR**
10 **GUARDIAN.**

11 **8-805.**

12 **(A) AFTER VERIFICATION BY THE DEPARTMENT OF A STUDENT'S**
13 **ELIGIBILITY FOR A SCHOLARSHIP UNDER THE PROGRAM AND THE STUDENT'S**
14 **INTENT TO ENROLL IN AND ATTEND A PRIVATE SCHOOL UNDER § 8-803 OF THIS**
15 **SUBTITLE, THE DEPARTMENT SHALL SEND A WRITTEN NOTICE TO THE LOCAL**
16 **SCHOOL SYSTEM IN WHICH THE ELIGIBLE STUDENT IS ASSIGNED AND ATTENDING**
17 **TO INFORM THE LOCAL SCHOOL SYSTEM OF THE PARENT'S OR GUARDIAN'S**
18 **INTENTION TO TRANSFER THE ELIGIBLE STUDENT TO ANOTHER SCHOOL UNDER**
19 **THE PROGRAM.**

20 **(B) IF AN ELIGIBLE STUDENT IS ACCEPTED BY A PARTICIPATING PRIVATE**
21 **SCHOOL PENDING THE AVAILABILITY OF A SPACE FOR THE ELIGIBLE STUDENT, TO**
22 **BE ELIGIBLE FOR THE SCHOLARSHIP WHEN A SPACE BECOMES AVAILABLE FOR THE**
23 **STUDENT IN THE PRIVATE SCHOOL, THE PARENT OR GUARDIAN OF THE ELIGIBLE**
24 **STUDENT SHALL NOTIFY THE DEPARTMENT 60 DAYS BEFORE THE DATE OF**
25 **DISBURSEMENT OF THE FIRST SCHOLARSHIP PAYMENT AND BEFORE ENROLLMENT**
26 **IN THE PRIVATE SCHOOL.**

27 **(C) AN ELIGIBLE STUDENT ATTENDING A PRIVATE SCHOOL USING A**
28 **SCHOLARSHIP AWARDED UNDER THE PROGRAM SHALL:**

29 **(1) REGULARLY ATTEND SCHOOL THROUGHOUT THE SCHOOL YEAR**
30 **UNLESS EXCUSED BY THE PRIVATE SCHOOL FOR ILLNESS OR OTHER GOOD CAUSE;**

31 **(2) COMPLY WITH THE PRIVATE SCHOOL'S PUBLISHED POLICIES;**
32 **AND**

33 **(3) IF REQUESTED BY A PARENT OR GUARDIAN UNDER SUBSECTION**
34 **(E) OF THIS SECTION, TAKE ALL STATEWIDE STUDENT ASSESSMENTS.**

1 **(D) THE PARENT OR GUARDIAN OF AN ELIGIBLE STUDENT ATTENDING A**
2 **PARTICIPATING PRIVATE SCHOOL USING A SCHOLARSHIP AWARDED UNDER THE**
3 **PROGRAM SHALL:**

4 **(1) ENSURE THAT THE ELIGIBLE STUDENT REGULARLY ATTENDS**
5 **SCHOOL THROUGHOUT THE SCHOOL YEAR UNLESS EXCUSED BY THE PRIVATE**
6 **SCHOOL FOR ILLNESS OR OTHER GOOD CAUSE;**

7 **(2) COMPLY WITH THE PRIVATE SCHOOL'S PUBLISHED POLICIES;**
8 **AND**

9 **(3) WITHIN 5 DAYS AFTER RECEIPT OF NOTICE FROM A PRIVATE**
10 **SCHOOL OF ITS RECEIPT OF A SCHOLARSHIP PAYMENT, RESTRICTIVELY ENDORSE**
11 **THE SCHOLARSHIP PAYMENT WARRANT IN THE NAME OF THE PRIVATE SCHOOL FOR**
12 **DEPOSIT INTO THE ACCOUNT OF THE PRIVATE SCHOOL.**

13 **(E) IF THE PARENT OR GUARDIAN OF AN ELIGIBLE STUDENT WHO IS**
14 **ATTENDING A PRIVATE SCHOOL SUBMITS A REQUEST TO THE LOCAL SCHOOL**
15 **SYSTEM IN WHICH THE ELIGIBLE STUDENT RESIDES FOR THE ELIGIBLE STUDENT TO**
16 **TAKE ALL STATEWIDE ASSESSMENTS:**

17 **(1) THE LOCAL SCHOOL SYSTEM SHALL DESIGNATE A SITE AND TIME**
18 **FOR THE ELIGIBLE STUDENT TO TAKE THE STATEWIDE ASSESSMENTS; AND**

19 **(2) THE PARENT OR GUARDIAN SHALL PROVIDE TRANSPORTATION**
20 **FOR THE ELIGIBLE STUDENT TO THE DESIGNATED ASSESSMENT SITE.**

21 **(F) (1) ON REASONABLE NOTICE TO THE DEPARTMENT AND THE LOCAL**
22 **SCHOOL SYSTEM IN WHICH THE ELIGIBLE STUDENT RESIDES, THE PARENT OR**
23 **GUARDIAN OF THE ELIGIBLE STUDENT WHO IS ATTENDING A PRIVATE SCHOOL**
24 **USING A SCHOLARSHIP UNDER THE PROGRAM MAY REMOVE THE ELIGIBLE STUDENT**
25 **FROM THE PRIVATE SCHOOL AND REENROLL THE ELIGIBLE STUDENT IN A PUBLIC**
26 **SCHOOL IN ACCORDANCE WITH THIS SUBTITLE.**

27 **(2) ON REASONABLE NOTICE TO THE DEPARTMENT, THE PARENT OR**
28 **GUARDIAN OF AN ELIGIBLE STUDENT WHO IS ATTENDING A PRIVATE SCHOOL USING**
29 **A SCHOLARSHIP MAY TRANSFER THE ELIGIBLE STUDENT TO A DIFFERENT**
30 **PARTICIPATING PRIVATE SCHOOL.**

31 **(G) (1) THE COST OF THE SCHOLARSHIP FOR AN ELIGIBLE STUDENT**
32 **UNDER THE PROGRAM SHALL BE PAID BY THE STATE AND THE COUNTY IN WHICH**
33 **THE CHILD IS DOMICILED IN ACCORDANCE WITH § 8-415(D) OF THIS TITLE.**

1 **(2) THE DEPARTMENT SHALL NOTIFY THE PRIVATE SCHOOL CHOSEN**
2 **BY THE PARENT OR GUARDIAN OF AN ELIGIBLE STUDENT OF THE AMOUNT OF THE**
3 **SCHOLARSHIP WITHIN 10 DAYS AFTER VERIFICATION OF A STUDENT'S ELIGIBILITY**
4 **FOR A SCHOLARSHIP UNDER § 8-803(C) OF THIS SUBTITLE.**

5 **8-806.**

6 **(A) TO BE ELIGIBLE TO PARTICIPATE IN THE PROGRAM, A PRIVATE SCHOOL**
7 **MAY BE SECTARIAN OR NONSECTARIAN AND SHALL:**

8 **(1) AT LEAST 30 DAYS BEFORE A QUARTERLY SCHOLARSHIP**
9 **PAYMENT IS SCHEDULED FOR DISBURSEMENT UNDER § 8-808 OF THIS SUBTITLE,**
10 **PROVIDE TO THE DEPARTMENT ALL DOCUMENTATION REQUIRED FOR AN ELIGIBLE**
11 **STUDENT'S PARTICIPATION, INCLUDING THE PRIVATE SCHOOL'S AND STUDENT'S**
12 **FEE SCHEDULES;**

13 **(2) SUBMIT TO THE DEPARTMENT EACH YEAR A NOTARIZED AND**
14 **SWORN STATEMENT THAT THE PRIVATE SCHOOL IS IN COMPLIANCE WITH PROGRAM**
15 **REQUIREMENTS AND ALL STATE LAWS;**

16 **(3) BE ACADEMICALLY ACCOUNTABLE TO THE PARENT OR GUARDIAN**
17 **OF AN ELIGIBLE STUDENT FOR MEETING THE EDUCATIONAL NEEDS OF THE**
18 **ELIGIBLE STUDENT BY:**

19 **(I) AT MINIMUM, PROVIDING TO THE PARENT A WRITTEN**
20 **EXPLANATION OF THE ELIGIBLE STUDENT'S PROGRESS EACH YEAR; AND**

21 **(II) COOPERATING WITH AN ELIGIBLE STUDENT WHOSE**
22 **PARENT OR GUARDIAN CHOOSES TO PARTICIPATE IN THE STATEWIDE ASSESSMENTS**
23 **UNDER § 8-805(E) OF THIS SUBTITLE; AND**

24 **(4) MAINTAIN A PHYSICAL LOCATION IN THE STATE WHERE AN**
25 **ELIGIBLE STUDENT REGULARLY ATTENDS CLASSES.**

26 **(B) A PRIVATE SCHOOL THAT FAILS TO MEET THE REQUIREMENTS OF**
27 **SUBSECTION (A) OF THIS SECTION SHALL BE INELIGIBLE TO PARTICIPATE IN THE**
28 **PROGRAM AS DETERMINED BY THE DEPARTMENT.**

29 **(C) (1) THE STATE SUPERINTENDENT MAY CONDUCT RANDOM SITE**
30 **VISITS TO PRIVATE SCHOOLS PARTICIPATING IN THE PROGRAM.**

31 **(2) DURING A SITE VISIT THE STATE SUPERINTENDENT MAY VERIFY**
32 **ONLY:**

1 **(I) THE INFORMATION REPORTED BY THE PARTICIPATING**
2 **PRIVATE SCHOOL RELATING TO THE ENROLLMENT AND ATTENDANCE OF ELIGIBLE**
3 **STUDENTS;**

4 **(II) THE CREDENTIALS OF TEACHERS, THE CRIMINAL HISTORY**
5 **RECORDS CHECKS OF TEACHERS, AND TEACHERS' FINGERPRINTING RESULTS; AND**

6 **(III) THE GENERAL HEALTH, SAFETY, AND WELFARE OF**
7 **STUDENTS AND SCHOOL PERSONNEL AT THE PRIVATE SCHOOL.**

8 **(3) THE DEPARTMENT MAY NOT:**

9 **(I) MAKE MORE THAN THREE RANDOM SITE VISITS EACH YEAR**
10 **TO PARTICIPATING PRIVATE SCHOOLS; AND**

11 **(II) MAKE MORE THAN ONE RANDOM SITE VISIT EACH YEAR TO**
12 **THE SAME PRIVATE SCHOOL.**

13 **8-807.**

14 **(A) (1) THE STATE SUPERINTENDENT MAY IMMEDIATELY SUSPEND**
15 **PAYMENT OF SCHOLARSHIP FUNDS TO A PRIVATE SCHOOL IF IT IS DETERMINED**
16 **THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT THERE IS:**

17 **(I) AN IMMINENT THREAT TO THE HEALTH, SAFETY, OR**
18 **WELFARE OF THE STUDENTS; OR**

19 **(II) FRAUDULENT ACTIVITY ON THE PART OF THE PRIVATE**
20 **SCHOOL.**

21 **(2) THE STATE SUPERINTENDENT'S ORDER SUSPENDING A**
22 **SCHOLARSHIP PAYMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE**
23 **APPEALED IN ACCORDANCE WITH THE SAME PROCEDURES AND TIMELINES AS THE**
24 **NOTICE OF PROPOSED ACTION UNDER SUBSECTION (D) OF THIS SECTION.**

25 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
26 **THE STATE SUPERINTENDENT SHALL DENY, SUSPEND, OR REVOKE A PRIVATE**
27 **SCHOOL'S PARTICIPATION IN THE PROGRAM IF THE STATE SUPERINTENDENT**
28 **DETERMINES THAT THE PRIVATE SCHOOL HAS FAILED TO COMPLY WITH THE**
29 **PROVISIONS OF § 8-806 OF THIS SUBTITLE.**

1 **(2) IF THE STATE SUPERINTENDENT DETERMINES THAT A**
2 **PARTICIPATING PRIVATE SCHOOL'S NONCOMPLIANCE IS CORRECTABLE WITHIN A**
3 **REASONABLE AMOUNT OF TIME, AND IF THE HEALTH, SAFETY, OR WELFARE OF THE**
4 **STUDENTS IS NOT THREATENED, THE STATE SUPERINTENDENT MAY ISSUE A**
5 **NOTICE OF NONCOMPLIANCE THAT INCLUDES A SPECIFIC TIME FRAME WITHIN**
6 **WHICH TO PROVIDE EVIDENCE OF COMPLIANCE BEFORE THE STATE**
7 **SUPERINTENDENT SUSPENDS OR REVOKES THE PRIVATE SCHOOL'S PARTICIPATION**
8 **IN THE PROGRAM.**

9 **(c) (1) THE STATE SUPERINTENDENT MAY DENY, SUSPEND, OR REVOKE**
10 **A PRIVATE SCHOOL'S PARTICIPATION IN THE PROGRAM IF THE STATE**
11 **SUPERINTENDENT DETERMINES THAT THE OPERATOR OF THE PRIVATE SCHOOL IS**
12 **OPERATING OR HAS OPERATED AN EDUCATIONAL INSTITUTION IN A MANNER**
13 **CONTRARY TO THE HEALTH, SAFETY, OR WELFARE OF THE PUBLIC.**

14 **(2) IN MAKING A DETERMINATION UNDER PARAGRAPH (1) OF THIS**
15 **SUBSECTION, THE STATE SUPERINTENDENT MAY CONSIDER THE FOLLOWING**
16 **FACTORS:**

17 **(i) ANY ACTS OR OMISSIONS BY AN OPERATOR THAT LED TO A**
18 **PREVIOUS DENIAL OR REVOCATION OF PARTICIPATION IN AN EDUCATIONAL**
19 **SCHOLARSHIP PROGRAM;**

20 **(ii) AN OPERATOR'S FAILURE TO REIMBURSE THE**
21 **DEPARTMENT FOR SCHOLARSHIP FUNDS IMPROPERLY RECEIVED OR RETAINED BY**
22 **A PRIVATE SCHOOL;**

23 **(iii) IMPOSITION OF A PRIOR CRIMINAL SANCTION RELATED TO**
24 **AN OPERATOR'S MANAGEMENT OR OPERATION OF AN EDUCATIONAL INSTITUTION;**

25 **(iv) IMPOSITION OF A CIVIL FINE OR ADMINISTRATIVE FINE,**
26 **LICENSE REVOCATION OR SUSPENSION, OR PROGRAM ELIGIBILITY SUSPENSION,**
27 **TERMINATION, OR REVOCATION RELATED TO AN OWNER'S OR OPERATOR'S**
28 **MANAGEMENT OR OPERATION OF AN EDUCATIONAL INSTITUTION; OR**

29 **(v) OTHER TYPES OF CRIMINAL PROCEEDINGS IN WHICH AN**
30 **OWNER OR OPERATOR WAS FOUND GUILTY OF, REGARDLESS OF ADJUDICATION, OR**
31 **ENTERED A PLEA OF NOLO CONTENDERE OR GUILTY TO, ANY OFFENSE INVOLVING**
32 **FRAUD, DECEIT, DISHONESTY, OR MORAL TURPITUDE.**

33 **(d) (1) IF THE STATE SUPERINTENDENT MAKES A DETERMINATION TO**
34 **DENY, SUSPEND, OR REVOKE A PRIVATE SCHOOL'S PARTICIPATION IN THE**
35 **PROGRAM UNDER SUBSECTION (A), (B), OR (C) OF THIS SECTION, BEFORE THE**

1 DEPARTMENT TAKES ANY ACTION, IT SHALL GIVE THE PRIVATE SCHOOL AN
2 OPPORTUNITY FOR A HEARING BEFORE THE DEPARTMENT.

3 (2) THE DEPARTMENT SHALL GIVE NOTICE AND HOLD THE HEARING
4 IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

5 (3) THE HEARING NOTICE FOR THE PRIVATE SCHOOL SHALL BE SENT
6 BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE OFFICIAL ADDRESS OF
7 THE PRIVATE SCHOOL ON FILE WITH THE DEPARTMENT AT LEAST 15 DAYS BEFORE
8 THE HEARING.

9 (4) THE PRIVATE SCHOOL MAY BE REPRESENTED AT THE HEARING BY
10 COUNSEL.

11 (5) (I) OVER THE SIGNATURE OF THE STATE SUPERINTENDENT,
12 THE DEPARTMENT MAY ISSUE SUBPOENAS AND ADMINISTER OATHS IN CONNECTION
13 WITH ANY INVESTIGATION UNDER THIS SUBTITLE AND ANY HEARINGS OR
14 PROCEEDINGS BEFORE THE DEPARTMENT.

15 (II) IF A PERSON, WITHOUT LAWFUL EXCUSE, DISOBEYS A
16 SUBPOENA FROM THE DEPARTMENT OR AN ORDER BY THE DEPARTMENT TO TAKE
17 AN OATH, TESTIFY, OR ANSWER QUESTIONS, ON PETITION OF THE DEPARTMENT A
18 COURT OF COMPETENT JURISDICTION MAY COMPEL COMPLIANCE WITH THE
19 SUBPOENA AND HOLD THE INDIVIDUAL IN CONTEMPT OF COURT.

20 (6) (I) A PRIVATE SCHOOL AGGRIEVED BY A FINAL DECISION OF
21 THE DEPARTMENT IN A CONTESTED CASE, AS DEFINED IN THE ADMINISTRATIVE
22 PROCEDURE ACT, MAY PETITION FOR JUDICIAL REVIEW AS ALLOWED BY THE
23 ADMINISTRATIVE PROCEDURE ACT.

24 (II) A DEPARTMENT DECISION MAY NOT BE STAYED WHILE
25 JUDICIAL REVIEW IS PENDING.

26 8-808.

27 (A) THE DEPARTMENT SHALL:

28 (1) ESTABLISH A TOLL-FREE HOTLINE THAT PROVIDES
29 INFORMATION ON PARTICIPATION IN THE PROGRAM;

30 (2) ON APRIL 1 EACH YEAR AND WITHIN 10 DAYS AFTER THE DAY A
31 STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM IS APPROVED, NOTIFY
32 POTENTIALLY ELIGIBLE STUDENTS OF THE PROGRAM;

1 **(3) VERIFY THE ELIGIBILITY OF PARTICIPATING PRIVATE SCHOOLS**
2 **UNDER § 8-806 OF THIS SUBTITLE EACH YEAR;**

3 **(4) ESTABLISH A PROCESS BY WHICH INDIVIDUALS MAY NOTIFY THE**
4 **DEPARTMENT OF ANY VIOLATION OF THIS SUBTITLE BY A PARENT OR GUARDIAN,**
5 **PRIVATE SCHOOL, OR LOCAL SCHOOL SYSTEM;**

6 **(5) REQUIRE A NOTARIZED, SWORN STATEMENT BY EACH**
7 **PARTICIPATING PRIVATE SCHOOL UNDER § 8-806 OF THIS SUBTITLE CERTIFYING**
8 **COMPLIANCE WITH THE PROVISIONS OF THIS SUBTITLE AND RETAIN SUCH**
9 **RECORDS; AND**

10 **(6) CROSS-CHECK THE LIST OF ELIGIBLE STUDENTS AWARDED A**
11 **SCHOLARSHIP UNDER THE PROGRAM WITH THE PUBLIC SCHOOL ENROLLMENT**
12 **LISTS PRIOR TO EACH SCHOLARSHIP PAYMENT TO AVOID DUPLICATION.**

13 **(B) (1) AFTER NOTIFICATION OF THE NUMBER OF PROGRAM**
14 **PARTICIPANTS AWARDED SCHOLARSHIPS ON JULY 1, SEPTEMBER 1, DECEMBER 1,**
15 **OR FEBRUARY 1, THE DEPARTMENT SHALL TRANSFER, FROM GENERAL FUNDS**
16 **ONLY, AN AMOUNT EQUAL TO THE PRODUCT OF THE SCHOLARSHIP AMOUNT FOR**
17 **EACH ELIGIBLE STUDENT AS CALCULATED UNDER § 8-805(G) OF THIS SUBTITLE**
18 **MULTIPLIED BY THE NUMBER OF ELIGIBLE STUDENTS AWARDED SCHOLARSHIPS TO**
19 **A SEPARATE ACCOUNT FOR THE PROGRAM SCHOLARSHIPS FOR QUARTERLY**
20 **DISBURSEMENT TO THE PARENTS OF ELIGIBLE STUDENTS AWARDED**
21 **SCHOLARSHIPS.**

22 **(2) AT LEAST 30 DAYS BEFORE THE FIRST QUARTERLY SCHOLARSHIP**
23 **PAYMENT IS MADE FOR AN ELIGIBLE STUDENT, THE DEPARTMENT SHALL VERIFY**
24 **THAT ALL DOCUMENTATION REQUIRED FOR THE ELIGIBLE STUDENT'S**
25 **PARTICIPATION HAS BEEN SUBMITTED TO THE DEPARTMENT.**

26 **(C) (1) ON NOTIFICATION BY THE DEPARTMENT THAT IT HAS RECEIVED**
27 **THE DOCUMENTATION REQUIRED UNDER SUBSECTION (B)(2) OF THIS SECTION, THE**
28 **COMPTROLLER SHALL MAKE SCHOLARSHIP PAYMENTS IN FOUR EQUAL AMOUNTS**
29 **NO LATER THAN SEPTEMBER 1, NOVEMBER 1, FEBRUARY 1, AND APRIL 1 OF EACH**
30 **ACADEMIC YEAR IN WHICH THE SCHOLARSHIP IS IN EFFECT.**

31 **(2) (I) THE INITIAL SCHOLARSHIP PAYMENT SHALL BE MADE**
32 **AFTER THE DEPARTMENT HAS VERIFIED AN ELIGIBLE STUDENT'S ADMISSION AND**
33 **ACCEPTANCE.**

1 **(II) SUBSEQUENT PAYMENTS SHALL BE MADE ON VERIFICATION**
2 **OF THE STUDENT'S CONTINUED ENROLLMENT AND ATTENDANCE AT THE**
3 **PARTICIPATING PRIVATE SCHOOL.**

4 **(3) (I) A SCHOLARSHIP PAYMENT SHALL BE MADE BY AN**
5 **INDIVIDUAL WARRANT THAT IS MADE PAYABLE TO THE ELIGIBLE STUDENT'S**
6 **PARENT OR GUARDIAN AND IS MAILED BY THE DEPARTMENT TO THE APPROPRIATE**
7 **PRIVATE SCHOOL.**

8 **(II) ON RECEIPT OF A SCHOLARSHIP PAYMENT UNDER**
9 **SUBPARAGRAPH (I) OF THIS PARAGRAPH, A PRIVATE SCHOOL SHALL NOTIFY THE**
10 **PARENT OR GUARDIAN OF THE ELIGIBLE STUDENT AND THE PARENT OR GUARDIAN**
11 **SHALL RESTRICTIVELY ENDORSE THE WARRANT TO THE PRIVATE SCHOOL FOR**
12 **DEPOSIT INTO THE ACCOUNT OF THE PRIVATE SCHOOL.**

13 **(D) AFTER EACH SCHOLARSHIP PAYMENT DISBURSEMENT, THE**
14 **DEPARTMENT SHALL REQUEST FROM THE COMPTROLLER A SAMPLE OF ENDORSED**
15 **WARRANTS TO REVIEW AND CONFIRM COMPLIANCE WITH ENDORSEMENT**
16 **REQUIREMENTS.**

17 **8-809.**

18 **THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE**
19 **PROVISIONS OF THIS SUBTITLE.**

20 **8-810.**

21 **ON OR BEFORE DECEMBER 15 EACH YEAR, THE DEPARTMENT SHALL SUBMIT**
22 **A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE**
23 **GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE IMPLEMENTATION OF**
24 **THE PROGRAM UNDER THIS SUBTITLE, INCLUDING:**

25 **(1) THE TOTAL NUMBER OF ELIGIBLE STUDENTS PARTICIPATING IN**
26 **THE PROGRAM;**

27 **(2) THE NUMBER OF ELIGIBLE STUDENTS WHO TRANSFERRED TO**
28 **DIFFERENT PUBLIC SCHOOLS UNDER THE PROGRAM;**

29 **(3) THE NUMBER OF ELIGIBLE STUDENTS WHO WERE AWARDED**
30 **SCHOLARSHIPS AND ARE ATTENDING PRIVATE SCHOOLS UNDER THE PROGRAM;**
31 **AND**

32 **(4) THE COST OF THE PROGRAM.**

1 8-811.

2 **THIS SUBTITLE MAY NOT BE CONSTRUED TO AUTHORIZE THE STATE, THE**
3 **DEPARTMENT, THE STATE SUPERINTENDENT, OR ANY LOCAL SCHOOL SYSTEM TO**
4 **IMPOSE ADDITIONAL REGULATIONS ON PARTICIPATING PRIVATE SCHOOLS BEYOND**
5 **THOSE REGULATIONS NECESSARY TO CARRY OUT THE REQUIREMENTS OF THIS**
6 **SUBTITLE.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
8 1, 2016.