
By: Delegate Elliott

Introduced and read first time: January 29, 1996

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Schools - Overcrowding - Use of Nonpublic Schools**

3 FOR the purpose of reducing costs by authorizing county boards of education to offer
4 parents or guardians of public school students in overcrowded schools the option of
5 attending a nonpublic school; providing for notification to nonpublic schools in
6 certain circumstances; providing certain information to the parent or guardian of
7 students; establishing requirements for students who volunteer for placement at a
8 nonpublic school; authorizing payment to a nonpublic school; providing for a
9 maximum amount to be paid to a nonpublic school; and generally relating to the
10 placement of public school students in nonpublic schools.

11 BY adding to

12 Article - Education

13 Section 4-124

14 Annotated Code of Maryland

15 (1992 Replacement Volume and 1995 Supplement)

16 Preamble

17 WHEREAS, Demographics show that school populations are currently rising but
18 will be decreasing in the next few years; and

19 WHEREAS, The current growth in student population has resulted in
20 overcrowded conditions in many public school buildings; and

21 WHEREAS, Nonpublic schools may be able to accommodate the overflow of
22 students so that building additional classroom space is not necessary; now, therefore,

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

25 **Article - Education**

26 4-124.

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

1 (1) ELIMINATE OR REDUCE CONSTRUCTION COSTS OF NEW OR
2 EXPANDED SCHOOLS BY USING EXISTING CLASSROOM SPACE IN NONPUBLIC
3 SCHOOLS WHEN THE PUBLIC SCHOOL SYSTEM IS OVERCROWDED;

4 (2) ALLOW PARENTS OF SCHOOL CHILDREN THE OPTION OF LEAVING
5 THEIR CHILDREN IN AN OVERCROWDED SCHOOL SYSTEM OR PLACING THEIR
6 CHILDREN IN A NONPUBLIC SCHOOL THAT IS NOT OVERCROWDED; AND

7 (3) PLACE STUDENTS IN NONPUBLIC SCHOOLS AT A COST THAT IS
8 LOWER THAN RETAINING STUDENTS IN THE PUBLIC SCHOOL SYSTEM AND
9 BUILDING NEW SCHOOLS.

10 (B) (1) IF A COUNTY BOARD DETERMINES THAT EXISTING CLASSROOM
11 SPACE AND CLASSROOM SPACE UNDER CONSTRUCTION ARE UNABLE TO
12 ACCOMMODATE THE PROJECTED STUDENT POPULATION OF THE COUNTY, THE
13 COUNTY BOARD MAY OFFER PARENTS OR GUARDIANS OF PUBLIC SCHOOL
14 CHILDREN THE OPTION OF SENDING THEIR CHILDREN TO NONPUBLIC SCHOOLS.

15 (2) THE COUNTY BOARD SHALL NOTIFY NONPUBLIC SCHOOLS IN THE
16 COUNTY OF ITS INTENT TO OFFER PUBLIC SCHOOL STUDENTS IN AN
17 OVERCROWDED SCHOOL THE OPTION OF ATTENDING NONPUBLIC SCHOOLS.

18 (3) THE COUNTY BOARD SHALL DETERMINE THE NUMBER OF
19 STUDENTS THAT MAY TRANSFER TO A NONPUBLIC SCHOOL.

20 (4) IF A GREATER NUMBER OF STUDENTS APPLY TO TRANSFER THAN IS
21 NECESSARY, THE COUNTY BOARD MAY SELECT STUDENTS FOR TRANSFER ON A
22 RANDOM BASIS OR BY ANY OTHER MEANS AS DETERMINED BY THE COUNTY.

23 (C) (1) ON NOTIFICATION FROM THE COUNTY BOARD THAT IT INTENDS TO
24 OFFER PUBLIC SCHOOL STUDENTS IN AN OVERCROWDED SCHOOL THE OPTION OF
25 ATTENDING NONPUBLIC SCHOOLS, A NONPUBLIC SCHOOL SHALL NOTIFY THE
26 COUNTY BOARD OF:

27 (I) THE NUMBER OF SPACES THAT THE NONPUBLIC SCHOOL IS
28 ABLE TO SET ASIDE FOR PUBLIC SCHOOL STUDENTS; AND

29 (II) THE COST OF TUITION, BOOKS, TRANSPORTATION, AND OTHER
30 FEES FOR ATTENDING THE SCHOOL BY NONPUBLIC SCHOOL STUDENTS.

31 (2) THE NUMBER OF SPACES THAT THE NONPUBLIC SCHOOL SETS ASIDE
32 MAY NOT EXCEED 25 PERCENT OF THE SCHOOL'S PROJECTED ENROLLMENT FOR
33 THE CURRENT SCHOOL YEAR.

34 (D) A STUDENT MAY BE PLACED AT A NONPUBLIC SCHOOL IF THE SCHOOL:

35 (1) MEETS THE EDUCATION, HEALTH, AND SAFETY STANDARDS
36 REQUIRED BY LAW; AND

37 (2) DOES NOT DISCRIMINATE IN THE ADMISSION OF STUDENTS OR THE
38 HIRING OF TEACHERS ON THE BASIS OF RACE, SEX, DISABILITY, OR ECONOMIC
39 STATUS.

1 (E) (1) IF A COUNTY BOARD INTENDS TO OFFER PUBLIC SCHOOL STUDENTS
2 IN AN OVERCROWDED SCHOOL AN OPTION OF ATTENDING A NONPUBLIC SCHOOL,
3 THE BOARD SHALL PROVIDE THE FOLLOWING INFORMATION TO ALL PARENTS OR
4 GUARDIANS OF STUDENTS:

5 (I) THE AVAILABILITY OF THE OPTION TO ATTEND A NONPUBLIC
6 SCHOOL;

7 (II) THE COST TO THE PARENT OR GUARDIAN; AND

8 (III) THE PROCESS FOR MAKING APPLICATION TO ATTEND A
9 NONPUBLIC SCHOOL.

10 (2) STUDENTS WHO VOLUNTEER FOR PLACEMENT IN A NONPUBLIC
11 SCHOOL MUST:

12 (I) MEET THE EXISTING ENTRANCE REQUIREMENTS FOR THE
13 NONPUBLIC SCHOOL; AND

14 (II) MAINTAIN THE ACADEMIC AND BEHAVIOR STANDARDS OF
15 THE NONPUBLIC SCHOOL.

16 (3) IF A STUDENT MEETS THE ACADEMIC AND BEHAVIOR STANDARDS
17 OF THE NONPUBLIC SCHOOL, A STUDENT WHO VOLUNTEERS FOR PLACEMENT IN A
18 NONPUBLIC SCHOOL SHALL BE PERMITTED TO ATTEND THE SCHOOL THROUGH THE
19 HIGHEST GRADE OF THE SCHOOL EVEN IF OVERCROWDING IN THE PUBLIC
20 SCHOOLS SUBSIDES.

21 (F) IF A NONPUBLIC SCHOOL RECEIVES APPLICATIONS FROM STUDENTS WHO
22 QUALIFY FOR ENTRANCE FOR MORE OPENINGS THAN ARE AVAILABLE FOR THAT
23 SCHOOL YEAR, THE COUNTY BOARD MAY SELECT STUDENTS ON A RANDOM BASIS
24 OR BY ANY OTHER MEANS AS DETERMINED BY THE COUNTY.

25 (G) (1) THE PARENT OF A PUBLIC SCHOOL STUDENT ATTENDING A
26 NONPUBLIC SCHOOL SHALL SUBMIT AN INVOICE TO THE COUNTY SCHOOL BOARD
27 TO PAY FOR THE STUDENT'S TUITION, BOOKS, TRANSPORTATION, AND OTHER FEES.

28 (2) THE SCHOOL BOARD SHALL PAY THE LESSER OF 90 PERCENT OF THE
29 INVOICE OR 75 PERCENT OF THE PER PUPIL COST OF EDUCATING A STUDENT IN THE
30 COUNTY.

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