
By: Delegates Dembrow, Morgan, Kittleman, Hixson, Beck, Heller, Jacobs, and Muse

Introduced and read first time: February 2, 1996

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Certificate of Approval - Noncollegiate Educational Institutions - Exemption**

3 FOR the purpose of exempting certain noncollegiate educational institutions from the
4 requirement to obtain a certificate of approval from the State Board of Education
5 under certain circumstances; authorizing the State Board to refuse to exempt or to
6 revoke an exemption under certain circumstances; and generally relating to the
7 exemption of certain noncollegiate educational institutions from their requirement to
8 obtain a certificate of approval from the State Board of Education under certain
9 circumstances.

10 BY repealing and reenacting, with amendments,
11 Article - Education
12 Section 2-206(e)
13 Annotated Code of Maryland
14 (1992 Replacement Volume and 1995 Supplement)

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

17 **Article - Education**

18 2-206.

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

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

25 (i) The purposes of the institution;

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

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

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

3 (4) This subsection does not apply to:

4 (I) [an] AN institution operated by a bona fide church organization,
5 including the Amish and Mennonite church parochial schools. However, an institution
6 that does not have a certificate of approval from the State Board may not receive State
7 funds, except that an institution operated by a bona fide church organization is not
8 required to have a certificate to receive State funds for eligible students in the food
9 service program who are enrolled in nursery school through the eighth grade[.]; OR

10 (II) AN INSTITUTION THAT RECEIVES NO STATE FUNDS AND
11 ANNUALLY REPORTS TO THE STATE BOARD ON FORMS THAT THE BOARD MAY
12 PROVIDE, THE INSTITUTION'S FISCAL SOUNDNESS, OWNERSHIP, LOCATION,
13 PERSONNEL, FACILITIES AND EQUIPMENT, PURPOSE AND OBJECTIVES, TUITION
14 COLLECTION METHODS, ENROLLMENT CONTRACT, AND REFUND AND
15 CANCELLATION POLICIES. THE STATE BOARD MAY REFUSE TO EXEMPT OR MAY
16 REVOKE THE EXEMPTION OF AN INSTITUTION UNDER THIS SUBSECTION IF THE
17 INSTITUTION:

18 1. VIOLATES ANY PROVISION OF THIS ARTICLE;

19 2. PROVIDES FALSE OR MISLEADING INFORMATION IN
20 ADVERTISING;

21 3. FAILS TO PROVIDE ACCURATE AND COMPLETE
22 INFORMATION REQUESTED BY THE STATE BOARD;

23 4. VIOLATES MATERIALLY ANY COMMITMENT REPORTED
24 TO THE STATE BOARD UNDER THIS SUBSECTION;

25 5. FAILS TO REPORT MATERIAL CHANGES IN STUDENT
26 REFUND POLICIES, TUITION COLLECTION METHODS, OWNERSHIP, OR LOCATION OF
27 THE INSTITUTION;

28 6. FAILS TO PROVIDE OR MAINTAIN PREMISES AND
29 EQUIPMENT IN A SAFE, SANITARY CONDITION AS REQUIRED BY THE LAWS, RULES,
30 OR REGULATIONS OF A MUNICIPALITY OR COUNTY;

31 7. FAILS TO MAINTAIN REQUIRED STATE OR FEDERAL
32 LICENSES;

33 8. FAILS TO MAINTAIN ADEQUATE FINANCIAL RESOURCES
34 FOR THE SATISFACTORY OPERATION OF THE INSTITUTION; OR

35 9. FAILS TO BE OPEN FOR INSPECTION BY THE STATE
36 BOARD OR ITS DESIGNEE AT ALL REASONABLE TIMES.

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