
By: Delegates Morgan, O'Donnell, Jacobs, and Beck

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Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland School Resources Conservation Program**

3 FOR the purpose of reducing the public capital and operational costs of elementary and
4 secondary education and improving the quality of the education by financially
5 assisting parents and guardians of school children to select the public or nonpublic
6 schools that they believe are in the best interest of the children in their care;
7 defining certain terms; establishing a program for the issuance of grants to eligible
8 parents and guardians; establishing a commission to administer the program;
9 establishing rules for the program; providing for continuous replenishment of the
10 funds for grants issued under the program; providing for a maximum amount for
11 each grant; providing for the effective date of this Act; and generally relating to
12 facilitating the most efficient use of public and nonpublic educational institutions to
13 fulfill the educational obligation of both the State and the counties at significantly
14 lower operational and capital costs.

15 BY repealing and reenacting, without amendments,
16 Article - Education
17 Section 1-101(a) and (f)
18 Annotated Code of Maryland
19 (1992 Replacement Volume and 1995 Supplement)

20 BY adding to
21 Article - Education
22 Section 5-501 through 5-508, inclusive, to be under the new subtitle "Subtitle 5.
23 Maryland School Resources Conservation Program"
24 Annotated Code of Maryland
25 (1992 Replacement Volume and 1995 Supplement)

26 Preamble

27 WHEREAS, An educated citizenry is essential to the general welfare of the State
28 and the effective functioning of the State government; and

29 WHEREAS, The combination of an increased school population, higher public
30 education costs, more demand for local services, and greatly reduced State and Federal
31 revenue portend a financial crisis for local governments in Maryland; and

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1 WHEREAS, Encouraging wider use under this program of available public schools
2 across school district lines on a space available basis is efficient and cost-effective; and

3 WHEREAS, Encouraging wider use of nonpublic schools under this program is
4 cost-effective because the maximum grant under the program is half the average per
5 pupil cost in the State; and

6 WHEREAS, Increasing access to nonpublic schools will alleviate the financial
7 burdens on the State by decreasing the need for expanded public school facilities and
8 therefore the amount of money needed for debt service; and

9 WHEREAS, The existence of this program can be expected reasonably to result in
10 expansion of the number of available nonpublic school facilities, at no cost to the State or
11 county governments; and

12 WHEREAS, The needs of individual students vary widely and are often best met by
13 public or nonpublic schools of their parents' or guardians' choosing; and

14 WHEREAS, Low and middle-income parents or guardians, due to a lack of
15 sufficient financial resources, have a limited choice, if any, in selecting schools their
16 children attend; and

17 WHEREAS, Increasing access to a variety of public and nonpublic schools and the
18 act of choosing a school will help generate greater family commitment to education and
19 the school of choice, thereby improving the educational programs; and

20 WHEREAS, Increasing access to a variety of public and nonpublic schools will
21 produce socioeconomic integration and encourage the development of new schools and
22 innovative curricula that meet the varying needs of students; and

23 WHEREAS, Helping parents and guardians send their children to the public or
24 nonpublic school of their choice will benefit the public schools of this State through the
25 discipline of competition for students; and

26 WHEREAS, The provisions of this Act are intended to serve a secular public
27 purpose; now, therefore,

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

30 **Article - Education**

31 1-101.

32 (a) In this article, unless the context requires otherwise, the following words have
33 the meanings indicated.

34 (f) "Department" means the State Department of Education.

35 SUBTITLE 5. MARYLAND SCHOOL RESOURCES CONSERVATION PROGRAM.

36 5-501.

3

1 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (B) "COMMISSION" MEANS THE MARYLAND SCHOOL RESOURCES
4 CONSERVATION COMMISSION.

5 (C) "EDUCATIONAL ASSISTANCE GRANT" MEANS THE FINANCIAL
6 REIMBURSEMENT DISBURSED TO AN ELIGIBLE PARENT OR GUARDIAN FOR THE
7 COST OF TUITION OR EQUIVALENT FEES INCURRED BY THE ATTENDANCE OF A
8 CHILD OF THE PARENT OR GUARDIAN AT A PUBLIC OR NONPUBLIC SCHOOL IN THE
9 STATE.

10 (D) "PROGRAM" MEANS THE MARYLAND SCHOOL RESOURCES
11 CONSERVATION PROGRAM.

12 5-502.

13 THERE IS A MARYLAND SCHOOL RESOURCES COMMISSION IN THE
14 DEPARTMENT.

15 5-503.

16 (A) (1) THE COMMISSION CONSISTS OF FIVE MEMBERS.

17 (2) OF THE FIVE COMMISSION MEMBERS:

18 (I) AT LEAST ONE SHALL BE AN ADMINISTRATOR OF A PUBLIC
19 SCHOOL;

20 (II) AT LEAST ONE SHALL BE AN ADMINISTRATOR OF A
21 NONPUBLIC SCHOOL; AND

22 (III) AT LEAST ONE SHALL HAVE SUBSTANTIAL EXPERIENCE IN
23 PUBLIC FINANCIAL MANAGEMENT.

24 (B) (1) THE GOVERNOR SHALL APPOINT THE INITIAL MEMBERS OF THE
25 COMMISSION BY OCTOBER 1, 1996.

26 (2) THE TERM OF A MEMBER IS 4 YEARS.

27 (3) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE
28 TERMS PROVIDED FOR MEMBERS OF THE COMMISSION ON OCTOBER 1, 1996.

29 (4) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
30 SUCCESSOR IS APPOINTED AND QUALIFIES.

31 (5) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
32 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
33 QUALIFIES.

34 (6) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE FULL
35 TERMS.

36 (7) TO THE EXTENT PRACTICABLE, THE GOVERNOR SHALL FILL A
37 VACANCY ON THE COMMISSION WITHIN 60 DAYS OF THE DATE OF THE VACANCY.

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1 (8) EACH MEMBER SHALL SERVE AT THE PLEASURE OF THE
2 GOVERNOR.

3 5-504.

4 (A) FROM AMONG THE COMMISSION MEMBERS, THE GOVERNOR SHALL
5 DESIGNATE A CHAIRMAN.

6 (B) (1) WITH THE CONSENT OF THE COMMISSION, THE COMMISSION
7 CHAIRMAN MAY APPOINT A COMMISSION EXECUTIVE DIRECTOR.

8 (2) THE COMMISSION EXECUTIVE DIRECTOR MAY NOT BE A MEMBER
9 OF THE COMMISSION AND SERVES AT THE PLEASURE OF THE COMMISSION.

10 (3) THE COMMISSION EXECUTIVE DIRECTOR IS THE EXECUTIVE
11 OFFICER OF THE COMMISSION.

12 (C) WITH THE CONSENT OF THE COMMISSION, THE COMMISSION CHAIRMAN
13 MAY HIRE A CONSULTANT ON A CONTRACTUAL BASIS TO ASSIST WITH
14 FUND-RAISING FROM PRIVATE SOURCES.

15 5-505.

16 (A) A MAJORITY OF THE MEMBERS THEN SERVING ON THE COMMISSION IS A
17 QUORUM.

18 (B) THE COMMISSION SHALL DETERMINE THE TIME, PLACE, AND
19 FREQUENCY OF ITS MEETINGS AND ANY OTHER NECESSARY OPERATING
20 PROCEDURES.

21 (C) EACH MEMBER OF THE COMMISSION:

22 (1) MAY NOT RECEIVE COMPENSATION; BUT

23 (2) IS ENTITLED TO REIMBURSEMENT FOR REASONABLE EXPENSES
24 INCURRED IN THE PERFORMANCE OF COMMISSION DUTIES, IN ACCORDANCE WITH
25 THE STANDARD STATE TRAVEL REGULATIONS AND AS PROVIDED IN THE STATE
26 BUDGET.

27 5-506.

28 (A) THE COMMISSION SHALL IMPLEMENT AND ADMINISTER THE PROGRAM.

29 (B) THE COMMISSION SHALL ADOPT REGULATIONS TO IMPLEMENT AND
30 ADMINISTER THE PROGRAM.

31 (C) THE COMMISSION SHALL:

32 (1) ACCEPT STATE AND LOCAL FUNDS FROM COUNTY BOARDS AND THE
33 STATE TO SUPPORT THE PROGRAM AS CALCULATED BY THE DEPARTMENT ON THE
34 BASIS OF COST SAVINGS GENERATED BY THE NET TRANSFER OF STUDENTS FROM
35 PUBLIC TO NONPUBLIC SCHOOLS;

36 (2) SOLICIT AND ACCEPT PRIVATE FUNDS TO:

37 (I) PROVIDE FUNDS TO START THE PROGRAM; AND

5

1 (II) AS FUNDS ARE AVAILABLE, ASSIST LOW-INCOME FAMILIES, AS
2 DEFINED BY THE COMMISSION, WITH TUITION, SCHOOL SUPPLIES, AND
3 TRANSPORTATION;

4 (3) ESTABLISH PROCEDURES FOR PARENTS AND GUARDIANS TO
5 ESTABLISH THEIR ELIGIBILITY TO RECEIVE EDUCATIONAL ASSISTANCE GRANTS;

6 (4) DISBURSE EDUCATIONAL ASSISTANCE GRANTS TO ELIGIBLE
7 PARENTS AND GUARDIANS; AND

8 (5) ESTABLISH A PARENT/GUARDIAN INFORMATION SYSTEM THAT
9 PROVIDES:

10 (I) INFORMATION DESCRIBING THE PROGRAM, ITS ELIGIBILITY
11 STANDARDS, AND ITS APPLICATION PROCEDURES; AND

12 (II) A LIST OF THE PUBLIC AND NONPUBLIC SCHOOLS IN THE
13 STATE AND A DESCRIPTION OF THE PROGRAMS AND CURRICULAR CHOICES
14 AVAILABLE AT EACH.

15 5-507.

16 (A) A PARENT OR GUARDIAN IS ELIGIBLE TO RECEIVE AN EDUCATIONAL
17 ASSISTANCE GRANT IF:

18 (1) THE CHILD OF THE PARENT OR GUARDIAN IS A STUDENT WHO HAS
19 BEEN ENROLLED FOR A FULL ACADEMIC YEAR IN A MARYLAND SCHOOL THAT
20 REQUIRES THE PAYMENT BY THE PARENT OR GUARDIAN OF TUITION OR
21 EQUIVALENT FEES;

22 (2) THE CHILD OF THE PARENT OR GUARDIAN:

23 (I) WAS ENROLLED IN A PUBLIC SCHOOL FOR AT LEAST 3
24 CONSECUTIVE YEARS; OR

25 (II) ENTERED FIRST GRADE AT A NONPUBLIC SCHOOL AFTER THE
26 EFFECTIVE DATE OF THIS ACT; AND

27 (3) THE PARENT OR GUARDIAN'S GROSS FAMILY INCOME DOES NOT
28 EXCEED \$75,000 IN THE CALENDAR YEAR OF THE STUDENT'S ENROLLMENT.

29 (B) EACH YEAR A PARENT OR GUARDIAN SHALL ESTABLISH ELIGIBILITY FOR
30 RECEIVING AN EDUCATIONAL ASSISTANCE GRANT BY SUBMITTING APPROPRIATE
31 DOCUMENTATION CONCERNING:

32 (1) GROSS FAMILY INCOME;

33 (2) TUITION OR EQUIVALENT FEES PAID; AND

34 (3) THE PORTION, IF ANY, OF PAYMENT THAT WAS FOR RELIGIOUS
35 INSTRUCTION.

36 (C) NOTHING IN THIS TITLE MAY BE CONSTRUED TO REQUIRE A CHANGE OF
37 CREED, PRACTICES OR CURRICULUM AT A NONPUBLIC SCHOOL.

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1 5-508.

2 AN EDUCATIONAL ASSISTANCE GRANT TO A PARENT OR GUARDIAN MAY NOT
3 EXCEED:

4 (1) THE ACTUAL TUITION OR EQUIVALENT FEES PAID AT A PUBLIC OR
5 NONPUBLIC SCHOOL AS REDUCED BY THE COST OF RELIGIOUS INSTRUCTION AT
6 THE SCHOOL, REGARDLESS OF THE CHILD'S PARTICIPATION IN THE RELIGIOUS
7 INSTRUCTION;

8 (2) 50% OF THE BASIC CURRENT EXPENSE PER PUPIL AS DETERMINED
9 IN § 5-202 OF THIS ARTICLE; OR

10 (3) 75% OF THE BASIC CURRENT EXPENSE PER PUPIL AS DETERMINED
11 IN § 5-202 OF THIS ARTICLE IF A STUDENT HAS A DISABILITY OR OTHER CONDITION
12 THAT MAKES THE COST OF THE STUDENT'S EDUCATION HIGHER THAN THE
13 AMOUNT CALCULATED IN PARAGRAPH (3) OF THIS SECTION.

14 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
15 members of the Commission shall expire as follows:

16 (1) two members in 1999;

17 (2) two members in 1998; and

18 (3) one member in 1997.

19 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the budgetary
20 process, this Act shall apply to tuition costs incurred during the 1996-97 school year, and
21 shall be reflected in the Fiscal Year 1998 budget, effective July 1, 1997.

22 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 July 1, 1996.