
By: **Senator Ruben (By Request)**

Introduced and read first time: January 30, 1998

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Education - English as a Second Language Schools -**
3 **Licensure**

4 FOR the purpose of authorizing the State Board of Education to issue a license to a
5 nonpublic elementary or secondary school that operates for the purpose of
6 teaching English as a second language.

7 BY repealing and reenacting, with amendments,
8 Article - Education
9 Section 2-206
10 Annotated Code of Maryland
11 (1997 Replacement Volume and 1997 Supplement)

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

14 **Article - Education**

15 2-206.

16 (a) In this section, "noncollegiate educational institution" means a school or
17 other institution that offers an educational program but is not an institution of
18 postsecondary education, as defined in § 10-101 of this article.

19 (b) (1) This section does not apply to:

20 (i) Apprenticeship and on-the-job training programs that are
21 subject to the approval of the Apprenticeship and Training Council;

22 (ii) Individuals or entities that offer or arrange for instruction
23 solely for avocational purposes through courses in areas such as art, music, dance,
24 drama, sports, crafts, or photography, if these courses are designed primarily for
25 developing skills for personal enrichment, recreation, or other leisure pursuits; or

1 (iii) Individuals or entities that offer or arrange for a supplemental
2 educational program or tutoring in subjects usually taught in an elementary or
3 secondary school to students concurrently enrolled in public or nonpublic schools.

4 (2) This section does not apply to these individuals or entities specified
5 in subparagraph (1)(ii) of this subsection solely on the basis that they use the word
6 "school" as a part of their name, in literature or publications such as advertisements,
7 brochures, catalogs or bulletins, or in other pronouncements.

8 (c) With the advice of the State Superintendent, the State Board shall adopt
9 bylaws, rules, and regulations for the approval and accreditation of all public schools.

10 (d) With the advice of the State Superintendent, the State Board shall
11 establish minimum requirements for issuing certificates and diplomas by public and
12 private noncollegiate educational institutions in this State.

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

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

19 (i) The purposes of the institution;

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

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

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

25 (4) This subsection does not apply to an institution operated by a bona
26 fide church organization, including the Amish and Mennonite church parochial
27 schools. However, an institution that does not have a certificate of approval from the
28 State Board may not receive State funds, except that an institution operated by a
29 bona fide church organization is not required to have a certificate to receive State
30 funds for eligible students in the food service program who are enrolled in nursery
31 school through the eighth grade.

32 (f) (1) If the State Board believes that a noncollegiate educational
33 institution that applies for a certificate of approval does not meet the conditions or
34 standards necessary for the issuance of the certificate, it shall give the institution
35 written notice of the specific deficiencies.

36 (2) Within 20 days of receipt of a notice of deficiencies, the institution
37 may request a hearing before the Board, and, within 60 days of receipt of the request,

1 the Board shall hold a hearing to determine if the certificate of approval should be
2 issued.

3 (3) If, within 6 months from the date on which the application for
4 certification was submitted to the State Board, the institution has received neither a
5 certificate of approval under subsection (e) of this section nor written notice of
6 deficiencies under this subsection, it may request, within 20 days, a hearing before
7 the Board to determine if the certificate of approval should be issued.

8 (g) (1) If the State Board believes that a noncollegiate educational
9 institution does not meet the conditions or standards on which its certificate of
10 approval was based, it shall give the institution written notice of this belief.

11 (2) The notice shall specify the alleged deficiencies and direct the
12 institution to correct them within a period of not less than 30 days as set by the
13 Board. If the institution requests a hearing within 20 days of the notice, the Board
14 shall hold a hearing to determine the matter.

15 (3) The order to correct the deficiencies shall be stayed until a
16 determination is made after the hearing.

17 (h) (1) The State Board may order a noncollegiate educational institution to
18 end operations if the institution fails to correct the specified deficiencies within the
19 period set by the Board and if:

20 (i) A hearing is not requested; or

21 (ii) After a hearing, the Board finds that the institution does not
22 meet the conditions or standards.

23 (2) The order takes effect 15 days after it is issued.

24 (i) (1) An institution has the right to judicial review of any State Board
25 determination under this section as provided by the Administrative Procedure Act.

26 (2) The decision of the State Board is presumed correct and proper and
27 the institution has the burden of proving otherwise.

28 (3) The State Board shall be a party to the proceeding.

29 (j) A noncollegiate educational institution shall:

30 (1) Be open for inspection by the State Superintendent or his designee at
31 all reasonable times; and

32 (2) Furnish the reports and information required by the State
33 Superintendent on the forms provided by the State Superintendent.

34 (k) (1) Each noncollegiate educational institution, in conjunction with the
35 county health department, shall provide scoliosis screening tests for all of their
36 students at least once in grades 6 through 8.

1 (2) Each noncollegiate educational institution shall comply with the
2 provisions of § 7-405(c) through (e) of this article.

3 (L) THE STATE BOARD MAY ISSUE A LICENSE TO A NONCOLLEGIATE
4 EDUCATIONAL INSTITUTION THAT OPERATES FOR THE PURPOSE OF TEACHING
5 ENGLISH AS A SECOND LANGUAGE.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 July 1, 1998.