

SENATE BILL 794
EMERGENCY BILL

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1998 Regular Session
(8lr2792)

ENROLLED BILL
-- Budget and Taxation/Appropriations --

Introduced by **Senators Lawlah, Kasemeyer, Hogan, Van Hollen, Middleton,
Neall, ~~and Hoffman~~ Hoffman, Ruben, and McFadden**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **State-Aided Educational Institutions - Criteria for Qualifying**

3 FOR the purpose of specifying the criteria for qualification as a State-aided
4 educational institution; requiring educational institutions to submit certain
5 requests and certain applications to the Department by a certain date; requiring
6 the Department to review the applications from educational institutions and
7 submit a list of qualified institutions to the State Superintendent of Schools for
8 ~~approval~~ *review and comment* at a certain time; requiring the State
9 Superintendent to ~~select institutions for approval from the list and forward the~~
10 ~~list of approved institutions~~ *provide certain information* to the State Board of
11 Education at a certain meeting; requiring the State Board after a certain
12 meeting to submit ~~the list of institutions with final approval~~ *certain information*
13 to the Governor ~~for funding approval; making this Act an emergency measure;~~
14 and generally relating to criteria for qualification as a State-aided educational
15 institution.

16 BY adding to

1 Article - Education
2 Section 5-501 through ~~5-505~~ 5-506, inclusive, to be under the new subtitle
3 "Subtitle 5. State-Aided Educational Institutions"
4 Annotated Code of Maryland
5 (1997 Replacement Volume and 1997 Supplement)

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

8 **Article - Education**

9 SUBTITLE 5. STATE-AIDED EDUCATIONAL INSTITUTIONS.

10 5-501.

11 (A) ~~FOR FISCAL YEAR 2000 2001 AND EACH FISCAL YEAR THEREAFTER, TO BE~~
12 ~~CONSIDERED FOR INCREASED FUNDING~~ UNDER THIS SUBTITLE, AN EDUCATIONAL
13 INSTITUTION MUST QUALIFY AS A STATE-AIDED EDUCATIONAL INSTITUTION UNDER
14 THIS SUBTITLE.

15 (B) TO QUALIFY AS A STATE-AIDED EDUCATIONAL INSTITUTION, AN
16 EDUCATIONAL INSTITUTION SHALL SUBMIT TO THE DEPARTMENT THE FOLLOWING
17 DOCUMENTATION:

18 (1) THE NAMES OF THE MEMBERS OF AN INDEPENDENT GOVERNING
19 BOARD FOR THE INSTITUTION;

20 (2) PROOF OF STATUS AS A NONPROFIT ORGANIZATION;

21 (3) A COPY OF THE MOST RECENT INDEPENDENT ANNUAL AUDIT OR
22 COPIES OF THE MOST RECENT INTERNALLY GENERATED FINANCIAL STATEMENTS
23 UNTIL THE ANNUAL AUDIT IS AVAILABLE;

24 (4) A DETAILED OPERATING BUDGET THAT:

25 (I) FOR AN EDUCATIONAL INSTITUTION OTHER THAN THE
26 BALTIMORE ZOO, INDICATES THAT LESS THAN 50% OF THE OPERATING BUDGET
27 COMES FROM STATE GRANTS;

28 (II) SPECIFIES ALL SOURCES OF INCOME, INCLUDING GRANTS
29 RECEIVED, NAMES OF GRANTING AGENCIES, AND THE AMOUNT OF EACH GRANT;
30 AND

31 (III) SPECIFIES ALL EXPENDITURES;

32 (5) PLANS FOR THE USE OF ANY GRANT FUNDS THAT MAY BE AWARDED
33 BY THE STATE-AIDED EDUCATIONAL INSTITUTIONS GRANTS PROGRAMS;

1 (6) EVIDENCE OF THE PROVISION OF A DIRECT SERVICE TO MARYLAND
2 SCHOOL GROUPS OR TO INDIVIDUALS WITH DISABILITIES, INCLUDING:

3 (I) DATA ON AGE LEVELS OF STUDENTS TO BE SERVED;

4 (II) DATA ON THE PROJECTED NUMBER OF STUDENTS AND
5 TEACHERS TO BE SERVED BOTH STATEWIDE AND BY LOCAL JURISDICTION; AND

6 (III) PLANS OF THE INSTITUTION TO SUPPORT THE GOALS OF THE
7 MARYLAND SCHOOLS FOR SUCCESS PROGRAM AND THE MARYLAND SCHOOL
8 PERFORMANCE PROGRAM; AND

9 (7) EVIDENCE OF LIABILITY INSURANCE COVERAGE.

10 5-502.

11 AN EDUCATIONAL INSTITUTION THAT SEEKS TO QUALIFY AS A STATE-AIDED
12 EDUCATIONAL INSTITUTION *FOR FUNDING IN THE FISCAL YEAR FOLLOWING THE*
13 *UPCOMING FISCAL YEAR* SHALL SUBMIT BEFORE MAY 1 TO THE MARYLAND STATE
14 DEPARTMENT OF EDUCATION:

15 (1) AN AUGMENTATION REQUEST DESCRIBING:

16 (I) WHO WILL BE SERVED;

17 (II) THE OBJECTIVES OF THE EDUCATIONAL PROGRAM; AND

18 (III) THE ANTICIPATED OUTCOMES;

19 (2) AN APPLICATION FOR QUALIFICATION AS A STATE-AIDED
20 EDUCATIONAL INSTITUTION; AND

21 (3) SUPPORTING DOCUMENTATION AS DESCRIBED IN § 5-501 OF THIS
22 SUBTITLE.

23 5-503.

24 THE DEPARTMENT SHALL REVIEW APPLICATIONS FOR QUALIFICATION AS A
25 STATE-AIDED EDUCATIONAL INSTITUTION AND SHALL SUBMIT A LIST OF THE
26 QUALIFIED INSTITUTIONS TO THE STATE SUPERINTENDENT OF SCHOOLS IN JUNE.

27 5-504.

28 THE STATE SUPERINTENDENT SHALL:

29 (1) ~~SELECT INSTITUTIONS FOR APPROVAL FROM~~ *REVIEW AND*
30 *COMMENT ON THE INSTITUTIONS ON* THE LIST OF QUALIFIED INSTITUTIONS *AND*
31 *THE EXTENT AND MANNER IN WHICH EACH WOULD FORWARD THE GOALS OF THE*
32 *MARYLAND SCHOOLS FOR SUCCESS PROGRAM AND THE MARYLAND SCHOOL*
33 *PERFORMANCE PROGRAM;* AND

1 (2) PRESENT THE LIST OF ~~APPROVED~~ QUALIFIED INSTITUTIONS AND
2 COMMENTS ON EACH INSTITUTION TO THE STATE BOARD AT THE JULY MEETING
3 FOR ~~FINAL APPROVAL~~ REVIEW AND COMMENT BY THE BOARD AT THE AUGUST
4 MEETING.

5 5-505.

6 AFTER THE AUGUST MEETING, THE STATE BOARD SHALL SUBMIT TO THE
7 GOVERNOR:

8 (1) THE LIST OF QUALIFIED INSTITUTIONS;

9 (2) THE SUPERINTENDENT'S COMMENTS ON EACH INSTITUTION; AND

10 (3) THE BOARD'S COMMENTS, IF ANY, ON EACH INSTITUTION. ~~THE LIST~~
11 ~~OF EDUCATIONAL INSTITUTIONS THAT HAVE RECEIVED FINAL APPROVAL TO THE~~
12 ~~GOVERNOR FOR FUNDING.~~

13 5-506.

14 THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS
15 SUBTITLE.

16 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency~~
17 ~~measure, is necessary for the immediate preservation of the public health and safety,~~
18 ~~has been passed by a yea and nay vote supported by three-fifths of all the members~~
19 ~~elected to each of the two Houses of the General Assembly, and shall take effect from~~
20 ~~the date it is enacted.~~

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 1998.