
By: **Delegate O'Donnell**

Introduced and read first time: February 11, 1999

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Educational Opportunities Program of 1999**

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

16 BY repealing and reenacting, without amendments,
17 Article - Education
18 Section 1-101(a) and (f)
19 Annotated Code of Maryland
20 (1997 Replacement Volume and 1998 Supplement)

21 BY adding to
22 Article - Education
23 Section 5-601 through 5-608, inclusive, to be under the new subtitle "Subtitle 6.
24 Maryland School Resources Conservation Program"
25 Annotated Code of Maryland
26 (1997 Replacement Volume and 1998 Supplement)

27 Preamble

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

1 WHEREAS, The combination of an increased school population, higher public
2 education costs, more demand for local services, and greatly reduced State and
3 federal revenue portend a financial crisis for local governments in Maryland; and

4 WHEREAS, Encouraging wider use under this Program of available public
5 schools across school district lines on a space available basis is efficient and
6 cost-effective; and

7 WHEREAS, Encouraging wider use of nonpublic schools under this Program is
8 cost-effective because the maximum grant under the Program is half the average per
9 pupil cost in the State; and

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

13 WHEREAS, The existence of this Program can be expected reasonably to result
14 in expansion of the number of available nonpublic school facilities, at no cost to the
15 State or county governments; and

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

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

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

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

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

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

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

1

Article - Education

2 1-101.

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

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

6 SUBTITLE 6. MARYLAND SCHOOL RESOURCES CONSERVATION PROGRAM.

7 5-601.

8 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
9 INDICATED.

10 (B) "COMMISSION" MEANS THE MARYLAND SCHOOL RESOURCES
11 CONSERVATION COMMISSION.

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

16 (D) "PROGRAM" MEANS THE MARYLAND SCHOOL RESOURCES CONSERVATION
17 PROGRAM.

18 5-602.

19 THERE IS A MARYLAND SCHOOL RESOURCES CONSERVATION COMMISSION IN
20 THE DEPARTMENT.

21 5-603.

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

23 (2) OF THE FIVE COMMISSION MEMBERS:

24 (I) AT LEAST ONE SHALL BE AN ADMINISTRATOR OF A PUBLIC
25 SCHOOL;

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

28 (III) AT LEAST ONE SHALL HAVE SUBSTANTIAL EXPERIENCE IN
29 PUBLIC FINANCIAL MANAGEMENT.

30 (B) (1) THE GOVERNOR SHALL APPOINT THE INITIAL MEMBERS OF THE
31 COMMISSION BY OCTOBER 1, 1999.

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

1 (3) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE
2 TERMS PROVIDED FOR MEMBERS OF THE COMMISSION ON OCTOBER 1, 1999.

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

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

8 (6) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE FULL
9 TERMS.

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

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

13 5-604.

14 (A) FROM AMONG THE COMMISSION MEMBERS, THE GOVERNOR SHALL
15 DESIGNATE A CHAIRMAN.

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

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

20 (3) THE COMMISSION EXECUTIVE DIRECTOR IS THE EXECUTIVE
21 OFFICER OF THE COMMISSION.

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

25 5-605.

26 (A) A MAJORITY OF THE MEMBERS THEN SERVING ON THE COMMISSION IS A
27 QUORUM.

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

30 (C) EACH MEMBER OF THE COMMISSION:

31 (1) MAY NOT RECEIVE COMPENSATION; BUT

32 (2) IS ENTITLED TO REIMBURSEMENT FOR REASONABLE EXPENSES
33 INCURRED IN THE PERFORMANCE OF COMMISSION DUTIES, IN ACCORDANCE WITH
34 THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

1 5-606.

2 (A) THE COMMISSION SHALL ADOPT REGULATIONS TO IMPLEMENT AND
3 ADMINISTER THE PROGRAM.

4 (B) THE COMMISSION SHALL:

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

9 (2) SOLICIT AND ACCEPT PRIVATE FUNDS TO:

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

11 (II) AS FUNDS ARE AVAILABLE, ASSIST LOW INCOME FAMILIES, AS
12 DEFINED BY THE COMMISSION, WITH TUITION, SCHOOL SUPPLIES, AND
13 TRANSPORTATION;

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

16 (4) DISBURSE EDUCATIONAL ASSISTANCE GRANTS TO ELIGIBLE
17 PARENTS AND GUARDIANS; AND

18 (5) ESTABLISH A PARENT AND GUARDIAN INFORMATION SYSTEM THAT
19 PROVIDES:

20 (I) INFORMATION DESCRIBING THE PROGRAM, ITS ELIGIBILITY
21 STANDARDS, AND ITS APPLICATION PROCEDURES; AND

22 (II) A LIST OF THE PUBLIC AND NONPUBLIC SCHOOLS IN THE
23 STATE AND A DESCRIPTION OF THE PROGRAMS AND CURRICULAR CHOICES
24 AVAILABLE AT EACH.

25 5-607.

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

28 (1) THE CHILD OF THE PARENT OR GUARDIAN IS A STUDENT WHO HAS
29 BEEN ENROLLED FOR A FULL ACADEMIC YEAR IN A MARYLAND SCHOOL THAT
30 REQUIRES THE PAYMENT BY THE PARENT OR GUARDIAN OF TUITION OR
31 EQUIVALENT FEES;

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

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

1 (II) ENTERED GRADE ONE AT A NONPUBLIC SCHOOL AFTER THE
2 EFFECTIVE DATE OF THIS ACT; AND

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

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

8 (1) GROSS FAMILY INCOME;

9 (2) TUITION OR EQUIVALENT FEES PAID; AND

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

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

14 5-608.

15 AN EDUCATIONAL ASSISTANCE GRANT TO A PARENT OR GUARDIAN MAY NOT
16 EXCEED:

17 (1) THE ACTUAL TUITION OR EQUIVALENT FEES PAID AT A PUBLIC OR
18 NONPUBLIC SCHOOL AS REDUCED BY THE COST OF RELIGIOUS INSTRUCTION AT THE
19 SCHOOL, REGARDLESS OF THE CHILD'S PARTICIPATION IN THE RELIGIOUS
20 INSTRUCTION;

21 (2) 50% OF THE BASIC CURRENT EXPENSE PER PUPIL AS DETERMINED
22 IN § 5-202 OF THIS ARTICLE; OR

23 (3) 75% OF THE BASIC CURRENT EXPENSE PER PUPIL AS DETERMINED
24 IN § 5-202 OF THIS ARTICLE IF A STUDENT HAS A DISABILITY OR OTHER CONDITION
25 THAT MAKES THE COST OF THE STUDENT'S EDUCATION HIGHER THAN THE AMOUNT
26 CALCULATED IN THIS PARAGRAPH.

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

29 (1) two members in 2002;

30 (2) two members in 2001; and

31 (3) one member in 2000.

32 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the budgetary
33 process, this Act shall apply to tuition costs incurred during the 1999-2000 school
34 year, and shall be reflected in the fiscal year 2001 budget, effective July 1, 2000.

1 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 June 1, 1999.