

---

By: **Delegates La Vay, O'Donnell, Cryor, Stocksdale, Brown, Bartlett, Kach,  
and Conroy**

Introduced and read first time: February 11, 1999

Assigned to: Ways and Means

---

A BILL ENTITLED

1 AN ACT concerning

2 **Delegate Scholarships - Primary and Secondary Nonpublic Schools**

3 FOR the purpose of authorizing Delegate Scholarships to be used at certain primary  
4 and secondary schools by students attending certain schools; defining certain  
5 terms; and generally relating to Delegate Scholarships.

6 BY repealing and reenacting, with amendments,  
7 Article - Education  
8 Section 1-101, 18-501 through 18-504, and 18-506  
9 Annotated Code of Maryland  
10 (1997 Replacement Volume and 1998 Supplement)

11 BY repealing and reenacting, without amendments,  
12 Article - Education  
13 Section 18-505 and 18-507  
14 Annotated Code of Maryland  
15 (1997 Replacement Volume and 1998 Supplement)

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

18 **Article - Education**

19 1-101.

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

22 (b) "Any state" means:

23 (1) Any state, possession, or territory of the United States;

24 (2) The District of Columbia; and

1 (3) The Commonwealth of Puerto Rico.

2 (c) "County" means a county of this State and includes Baltimore City.

3 (d) "County board" means the board of education of a county and includes the  
4 New Baltimore City Board of School Commissioners.

5 (e) "County superintendent" means the county superintendent of schools of a  
6 county and includes the Chief Executive Officer of the New Baltimore City Board of  
7 School Commissioners.

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

9 (g) "Elementary and secondary education" means education and programs of  
10 education from and including preschool through the end of high school and their  
11 equivalent.

12 (h) "Includes" or "including" means includes or including by way of illustration  
13 and not by way of limitation.

14 (i) "Person" includes:

15 (1) An individual, receiver, trustee, guardian, executor, administrator,  
16 fiduciary, or representative of any kind and any partnership, firm, association, public  
17 or private corporation, or other entity; and

18 (2) The State, any county, municipal corporation, or other political  
19 subdivision of this State, and any of their agencies or units.

20 (j) "Property" means any real or personal property or any interest in real or  
21 personal property.

22 (k) "Public schools" means the schools in the public elementary and secondary  
23 education system of this State.

24 (L) "RECONSTITUTION" MEANS THE CHANGE OF ONE OR MORE OF A PUBLIC  
25 SCHOOL'S ADMINISTRATION, STAFF, ORGANIZATION, OR INSTRUCTIONAL PROGRAM  
26 AS A RESULT OF POOR SCHOOL PERFORMANCE AS PROVIDED IN REGULATIONS  
27 ADOPTED BY THE STATE BOARD.

28 [(l)] (M) "State Board" means the State Board of Education.

29 [(m)] (N) "State Superintendent" means the State Superintendent of Schools.

30 18-501.

31 (a) There is a program of Delegate Scholarships in this State that are awarded  
32 under this subtitle.

33 (b) A scholarship awarded under this subtitle may be used at:

1 (1) An eligible institution for a program of undergraduate, graduate, or  
2 professional studies;

3 (2) An accredited undergraduate, graduate, or professional institution  
4 outside the State, if the applicant will be studying in an academic area that is not  
5 available in this State; [and]

6 (3) A private career school within the State that is approved by the  
7 Maryland Higher Education Commission under § 11-202 of this article and that is  
8 accredited by a national accrediting association that is approved by the United States  
9 Department of Education; OR

10 (4) A NONPUBLIC PRIMARY OR SECONDARY SCHOOL SUBJECT TO THE  
11 PROVISIONS OF SUBSECTION (C) OF THIS SECTION.

12 (C) (1) A SCHOLARSHIP AWARDED UNDER THIS SUBTITLE MAY BE USED AT  
13 A NONPUBLIC PRIMARY OR SECONDARY SCHOOL THAT HAS A CERTIFICATE OF  
14 APPROVAL FROM THE STATE BOARD OR HAS BEEN GRANTED AN EXEMPTION FROM  
15 THE CERTIFICATION REQUIREMENT BY THE STATE BOARD.

16 (2) A SCHOLARSHIP AWARDED UNDER THIS SUBTITLE FOR USE AT A  
17 NONPUBLIC PRIMARY OR SECONDARY SCHOOL AS PROVIDED IN PARAGRAPH (1) OF  
18 THIS SUBSECTION MAY ONLY BE AWARDED TO A STUDENT CURRENTLY ATTENDING  
19 A PUBLIC SCHOOL THAT IS SUBJECT TO RECONSTITUTION.

20 [(c)] (D) Moneys appropriated to the Commission for scholarships awarded  
21 under this section that are not used by the end of the fiscal year shall be retained by  
22 the Commission for use by the awarding Delegate in the Delegate Scholarship  
23 Program during subsequent fiscal years.

24 18-502.

25 Each member of the House of Delegates may select the recipients of the  
26 scholarships on any basis that the Delegate considers appropriate SUBJECT TO THE  
27 PROVISIONS OF § 18-501 OF THIS SUBTITLE.

28 18-503.

29 (a) During each term in office, each Delegate may award the equivalent of four  
30 4-year full-time scholarships, which may be awarded for either 1-, 2-, 3-, or 4-year  
31 periods.

32 (b) (1) Each scholarship pays the tuition and mandatory fees at any eligible  
33 institution.

34 (2) The annual amount of a scholarship at a private [institution]  
35 INSTITUTION, NONPUBLIC PRIMARY OR SECONDARY SCHOOL, or any graduate or  
36 professional program may not exceed the equivalent annual tuition and mandatory  
37 fees of an undergraduate program at the University of Maryland.

1 18-504.

2 (a) A Delegate may award 2 part-time scholarships for each full-time  
3 scholarship available.

4 (b) A part-time scholarship may not be for more than twice as many years as  
5 a full-time scholarship.

6 (c) Each recipient of a part-time scholarship FOR HIGHER EDUCATION shall  
7 carry at least 6 semester hours of courses each semester in a program leading to a  
8 degree.

9 18-505.

10 (a) Each recipient of a full-time Delegate Scholarship may use the scholarship  
11 to attend summer school.

12 (b) The term of a full-time Delegate Scholarship shall be shortened by  
13 one-half year for each summer of use.

14 (c) The amount used for summer school may not exceed one-half of the value  
15 of the award for the next academic year.

16 18-506.

17 (a) As an alternative to the scholarship awards authorized by §§ 18-503  
18 through 18-505 of this subtitle, and subject to the provisions of subsection (b) of this  
19 section, during each year in office each Delegate may award scholarships in a total  
20 amount equal to four times the tuition and mandatory fees for a full-time  
21 undergraduate student enrolled at the University of Maryland, College Park for the  
22 academic year commencing in that year.

23 (b) A scholarship award under subsection (a) of this section:

24 (1) May not be for an amount less than \$200 or more than one-half of the  
25 total amount of scholarships authorized by subsection (a) for that year;

26 (2) Shall be used at an eligible institution;

27 (3) May be used by:

28 (i) A graduate, undergraduate, or professional student; [or]

29 (ii) A student at a private career school within the State that is  
30 approved by the Maryland Higher Education Commission under § 11-202 of this  
31 article and that is accredited by a national accrediting association that is approved by  
32 the United States Department of Education; [and] OR

33 (III) A STUDENT CURRENTLY ATTENDING A PUBLIC PRIMARY OR  
34 SECONDARY SCHOOL THAT IS SUBJECT TO RECONSTITUTION; AND

1           (4)       To the extent it is not used by the student, shall be recredited to the  
2 Delegate's scholarship account and may be awarded in the next 12 months by that  
3 Delegate to another student pursuant to this section.

4 18-507.

5       (a)       Beginning in Fiscal Year 1996, each Delegate may authorize the State  
6 Scholarship Administration to award all or a portion of the funds authorized under  
7 this subtitle to eligible recipients of an Educational Excellence Award who reside in  
8 the Delegate's legislative district.

9       (b)       In the event that the total number of eligible recipients of an Educational  
10 Excellence Award who reside in the Delegate's legislative district is insufficient to  
11 utilize the total amount of funds available to the Delegate for any fiscal year, the  
12 State Scholarship Administration may, with the consent of the Delegate, award the  
13 unused funds to other eligible recipients throughout the State.

14       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 July 1, 1999.