
By: **Delegates La Vay, Hill, and Brown**
Introduced and read first time: February 10, 2000
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Delegate Scholarships - Elementary and Secondary Nonpublic Schools**
3 **and Tutoring Services**

4 FOR the purpose of allowing the use of Delegate Scholarships for certain tutoring
5 services or at certain elementary and secondary schools by students attending
6 certain schools; defining certain terms; and generally relating to the use of
7 Delegate Scholarships.

8 BY repealing and reenacting, with amendments,
9 Article - Education
10 Section 1-101, 18-501 through 18-504, and 18-506
11 Annotated Code of Maryland
12 (1999 Replacement Volume)

13 BY repealing and reenacting, without amendments,
14 Article - Education
15 Section 18-505 and 18-507
16 Annotated Code of Maryland
17 (1999 Replacement Volume)

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

20 **Article - Education**

21 1-101.

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

24 (b) "Any state" means:

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

26 (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 THE
25 ADMINISTRATION, STAFF, ORGANIZATION, OR INSTRUCTIONAL PROGRAM OF A
26 PUBLIC SCHOOL AS A RESULT OF POOR SCHOOL PERFORMANCE AS PROVIDED IN
27 REGULATIONS 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] AT AN eligible institution for a program of undergraduate,
2 graduate, or professional studies;

3 (2) [An] AT AN accredited undergraduate, graduate, or professional
4 institution outside the State, if:

5 (i) The applicant will be studying in an academic area that is not
6 available in this State; or

7 (ii) 1. The applicant is disabled;

8 2. The applicant will be studying at an institution outside
9 the State that makes special provisions for disabled students; and

10 3. Comparable special provisions are not available to that
11 student at an institution in the State; [and]

12 (3) [A] AT A private career school within the State that is approved by
13 the Maryland Higher Education Commission under § 11-202 of this article and that is
14 accredited by a national accrediting association that is approved by the United States
15 Department of Education;

16 (4) AT A NONPUBLIC ELEMENTARY OR SECONDARY SCHOOL SUBJECT
17 TO THE PROVISIONS OF SUBSECTION (C) OF THIS SECTION; OR

18 (5) FOR TUTORING SERVICES SUBJECT TO THE PROVISIONS OF
19 SUBSECTION (C) OF THIS SECTION.

20 (C) (1) A SCHOLARSHIP AWARDED UNDER THIS SUBTITLE MAY BE USED:

21 (I) AT A NONPUBLIC ELEMENTARY OR SECONDARY SCHOOL THAT
22 HAS A CERTIFICATE OF APPROVAL FROM THE STATE BOARD OR HAS BEEN GRANTED
23 AN EXEMPTION FROM THE CERTIFICATION REQUIREMENT BY THE STATE BOARD; OR

24 (II) FOR TUTORING BY AN INDIVIDUAL WHO IS ELIGIBLE FOR
25 MARYLAND CERTIFICATION IN THE SUBJECT IN WHICH THE INDIVIDUAL IS
26 PROVIDING THE TUTORING.

27 (2) A SCHOLARSHIP AWARDED UNDER THIS SUBTITLE FOR USE AT A
28 NONPUBLIC ELEMENTARY OR SECONDARY SCHOOL OR FOR TUTORING SERVICES AS
29 PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION MAY ONLY BE AWARDED TO A
30 STUDENT CURRENTLY ATTENDING A PUBLIC SCHOOL THAT IS SUBJECT TO
31 RECONSTITUTION.

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

1 18-502.

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

5 18-503.

6 (a) During each term in office, each Delegate may award the equivalent of four
7 4-year full-time scholarships, which may be awarded for either 1-, 2-, 3-, or 4-year
8 periods.

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

11 (2) The annual amount of a scholarship at a private [institution]
12 INSTITUTION, NONPUBLIC ELEMENTARY OR SECONDARY SCHOOL, or any graduate
13 or professional program, OR FOR TUTORING SERVICES UNDER § 18-501 OF THIS
14 SUBTITLE, may not exceed the equivalent annual tuition and mandatory fees of an
15 undergraduate program at the University of Maryland.

16 18-504.

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

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

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

24 18-505.

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

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

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

31 18-506.

32 (a) As an alternative to the scholarship awards authorized by §§ 18-503
33 through 18-505 of this subtitle, and subject to the provisions of subsection (b) of this
34 section, during each year in office each Delegate may award scholarships in a total
35 amount equal to four times the tuition and mandatory fees for a full-time

1 undergraduate student enrolled at the University of Maryland, College Park for the
2 academic year commencing in that year.

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

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

6 (2) Shall be used at an eligible institution OR FOR TUTORING SERVICES
7 UNDER § 18-501 OF THIS SUBTITLE;

8 (3) May be used by:

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

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

14 (III) A STUDENT CURRENTLY ATTENDING A PUBLIC ELEMENTARY
15 OR SECONDARY SCHOOL THAT IS SUBJECT TO RECONSTITUTION; AND

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

19 18-507.

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

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

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 July 1, 2000.