

SENATE BILL 570

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2000 Regular Session
0lr2609
CF 0lr0984

By: **Senators Harris and Jacobs**

Introduced and read first time: February 4, 2000

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools - Reconstitution - Transfer to Private Schools**

3 FOR the purpose of authorizing a county board of education to offer certain public
4 school students the option of applying to attend certain private schools under
5 certain circumstances; requiring a county board to pay certain financial
6 assistance to certain parents or guardians of students who transfer to a private
7 school; requiring certain county boards to provide certain notice to private
8 schools; requiring a county board to determine the number of students who may
9 transfer under this Act; requiring certain county boards to determine the
10 criteria for selecting certain students for transfer under certain circumstances;
11 requiring certain county boards to provide certain information to the parents or
12 guardians of students; requiring certain private schools to provide certain
13 information to the county board; establishing a certain cap on the number of
14 spaces for public school students that a private school may set aside;
15 establishing certain qualifications for certain private schools; establishing
16 certain rights and requirements for certain students who transfer to a private
17 school; and generally relating to the transfer of certain public school students to
18 private schools.

19 BY adding to
20 Article - Education
21 Section 4-126
22 Annotated Code of Maryland
23 (1999 Replacement Volume)

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

26 **Article - Education**

27 4-126.

28 (A) THE PURPOSE OF THIS SECTION IS TO:

1 (1) AUTHORIZE A COUNTY BOARD TO OFFER PUBLIC SCHOOL STUDENTS
2 CURRENTLY ENROLLED IN A SCHOOL THAT IS ELIGIBLE FOR RECONSTITUTION
3 UNDER STATE BOARD REGULATIONS THE OPTION OF APPLYING TO ATTEND A
4 PRIVATE SCHOOL; AND

5 (2) REQUIRE A COUNTY BOARD THAT OFFERS THIS OPTION TO PROVIDE
6 FINANCIAL ASSISTANCE TO DEFRAY THE COST OF THE STUDENT ATTENDING THE
7 PRIVATE SCHOOL.

8 (B) (1) IF THE STATE BOARD DETERMINES THAT A PUBLIC SCHOOL IS
9 ELIGIBLE FOR RECONSTITUTION UNDER STATE BOARD REGULATIONS, THE COUNTY
10 BOARD IN THE COUNTY IN WHICH THE PUBLIC SCHOOL IS LOCATED MAY OFFER
11 STUDENTS IN THE PUBLIC SCHOOL THE OPTION OF APPLYING TO ATTEND A PRIVATE
12 SCHOOL IN THE COUNTY THAT QUALIFIES UNDER SUBSECTION (D)(3) OF THIS
13 SECTION.

14 (2) A COUNTY BOARD THAT OFFERS THIS OPTION UNDER THIS SECTION
15 SHALL PROVIDE FINANCIAL ASSISTANCE TO THE TRANSFER STUDENT UNDER
16 SUBSECTION (F) OF THIS SECTION.

17 (C) (1) A COUNTY BOARD THAT OFFERS STUDENTS THE OPTION OF
18 APPLYING TO ATTEND A PRIVATE SCHOOL UNDER THIS SECTION SHALL NOTIFY THE
19 PRIVATE SCHOOLS IN THE COUNTY OF ITS INTENT TO OFFER THIS OPTION.

20 (2) THE COUNTY BOARD SHALL DETERMINE THE NUMBER OF
21 STUDENTS THAT MAY TRANSFER TO PRIVATE SCHOOLS UNDER THIS SECTION.

22 (3) THE COUNTY BOARD MAY SELECT STUDENTS FOR TRANSFER UNDER
23 THIS SECTION ON A RANDOM BASIS IN ITS DISCRETION, OR BY ANY OTHER MEANS, IF
24 A GREATER NUMBER OF STUDENTS ARE ACCEPTED BY A PRIVATE SCHOOL:

25 (I) THAN THE COUNTY BOARD DETERMINES IS NECESSARY TO
26 TRANSFER FROM THE PUBLIC SCHOOL; OR

27 (II) THAN THERE ARE SPACES AVAILABLE IN A PRIVATE SCHOOL.

28 (4) IF A COUNTY BOARD INTENDS TO OFFER PUBLIC SCHOOL STUDENTS
29 THE OPTION OF APPLYING TO ATTEND A PRIVATE SCHOOL UNDER THIS SECTION,
30 THE COUNTY BOARD SHALL PROVIDE THE FOLLOWING INFORMATION TO ALL
31 PARENTS OR GUARDIANS OF STUDENTS ENROLLED IN THE SCHOOL:

32 (I) THE AVAILABILITY OF THE OPTION TO APPLY TO ATTEND A
33 PRIVATE SCHOOL;

34 (II) THE ESTIMATED COST OF APPLYING TO AND ATTENDING THE
35 PRIVATE SCHOOL, INCLUDING PAYMENTS TO BE MADE UNDER SUBSECTION (F) OF
36 THIS SECTION; AND

37 (III) THE PROCESS FOR APPLYING TO PRIVATE SCHOOLS IN THE
38 COUNTY.

1 (D) (1) ON NOTIFICATION FROM THE COUNTY BOARD THAT IT INTENDS TO
2 OFFER PUBLIC SCHOOL STUDENTS THE OPTION OF APPLYING TO ATTEND PRIVATE
3 SCHOOLS UNDER THIS SECTION, A PRIVATE SCHOOL THAT INTENDS TO ACCEPT
4 PUBLIC SCHOOL STUDENTS SHALL NOTIFY THE COUNTY BOARD OF:

5 (I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
6 NUMBER OF SPACES THAT THE PRIVATE SCHOOL IS ABLE TO SET ASIDE FOR PUBLIC
7 SCHOOL STUDENTS; AND

8 (II) THE COST OF TUITION, BOOKS, TRANSPORTATION, AND OTHER
9 FEES FOR A STUDENT TO ATTEND THE PRIVATE SCHOOL.

10 (2) THE NUMBER OF SPACES THAT A PRIVATE SCHOOL SETS ASIDE MAY
11 NOT EXCEED 25 PERCENT OF THE PRIVATE SCHOOL'S PROJECTED ENROLLMENT FOR
12 THAT SCHOOL YEAR.

13 (3) TO QUALIFY TO RECEIVE TRANSFER STUDENTS UNDER THIS
14 SECTION, A PRIVATE SCHOOL:

15 (I) SHALL MEET THE EDUCATION, HEALTH, AND SAFETY
16 STANDARDS REQUIRED BY LAW; AND

17 (II) MAY NOT DISCRIMINATE IN THE ADMISSION OF STUDENTS OR
18 THE HIRING OF TEACHERS ON THE BASIS OF RACE, SEX, DISABILITY, OR ECONOMIC
19 STATUS.

20 (E) (1) A STUDENT WHO TRANSFERS TO A PRIVATE SCHOOL UNDER THIS
21 SECTION SHALL:

22 (I) MEET THE EXISTING ENTRANCE REQUIREMENTS FOR THE
23 PRIVATE SCHOOL; AND

24 (II) MAINTAIN THE ACADEMIC AND BEHAVIOR STANDARDS OF THE
25 PRIVATE SCHOOL.

26 (2) IF A STUDENT ENROLLED IN A PRIVATE SCHOOL UNDER THIS
27 SECTION CONTINUES TO MEET THE ACADEMIC AND BEHAVIOR STANDARDS OF THE
28 PRIVATE SCHOOL, THEN THE STUDENT MAY ATTEND THE SCHOOL THROUGH THE
29 HIGHEST GRADE TAUGHT AT THE SCHOOL, EVEN IF THE STATE BOARD DETERMINES
30 THAT THE STUDENT'S PUBLIC SCHOOL IS NO LONGER ELIGIBLE FOR
31 RECONSTITUTION.

32 (F) (1) THE PARENTS OR GUARDIANS OF A STUDENT ATTENDING A PRIVATE
33 SCHOOL UNDER THIS SECTION MAY SUBMIT AN INVOICE TO THE COUNTY BOARD
34 FOR PAYMENT FOR THE STUDENT'S TUITION, BOOKS, TRANSPORTATION, AND OTHER
35 FEES.

36 (2) THE SCHOOL BOARD SHALL PAY TO THE PARENTS OR GUARDIANS
37 THE LESSER OF:

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1 (I) 90 PERCENT OF THE TOTAL COSTS CHARGED ON THE INVOICE
2 SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION; OR

3 (II) 75 PERCENT OF THE PER PUPIL COST TO EDUCATE A STUDENT
4 IN THE COUNTY.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 June 1, 2000.