
By: **Delegate Ports**

Introduced and read first time: February 9, 2001

Assigned to: Ways and Means

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 attending certain other schools or applying to
5 attend certain private schools under certain circumstances; requiring a county
6 board to pay certain financial assistance to 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 other schools or private schools.

19 BY adding to
20 Article - Education
21 Section 4-126
22 Annotated Code of Maryland
23 (1999 Replacement Volume and 2000 Supplement)

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 HAS BEEN IDENTIFIED AS A
3 RECONSTITUTION SCHOOL OR AS RECONSTITUTION-ELIGIBLE UNDER STATE BOARD
4 REGULATIONS FOR AT LEAST 3 YEARS THE OPTION OF:

5 (I) ATTENDING ANOTHER PUBLIC SCHOOL IN THE COUNTY;

6 (II) ATTENDING ANOTHER PUBLICLY CHARTERED SCHOOL IN THE
7 COUNTY; OR

8 (III) APPLYING TO ATTEND A PRIVATE SCHOOL; AND

9 (2) REQUIRE A COUNTY BOARD THAT OFFERS THE OPTION TO APPLY TO
10 ATTEND A PRIVATE SCHOOL TO PROVIDE A SCHOLARSHIP TO DEFRAY THE COST OF
11 THE STUDENT ATTENDING THE PRIVATE SCHOOL.

12 (B) (1) IF THE STATE BOARD DETERMINES THAT A PUBLIC SCHOOL HAS
13 BEEN IDENTIFIED AS A RECONSTITUTION SCHOOL OR AS
14 RECONSTITUTION-ELIGIBLE UNDER STATE BOARD REGULATIONS FOR AT LEAST 3
15 YEARS, THE COUNTY BOARD IN THE COUNTY IN WHICH THE PUBLIC SCHOOL IS
16 LOCATED MAY OFFER STUDENTS IN THE PUBLIC SCHOOL THE OPTION OF:

17 (I) ATTENDING ANOTHER PUBLIC SCHOOL IN THE COUNTY;

18 (II) IF ATTENDING ANOTHER PUBLIC SCHOOL IN THE COUNTY IS
19 NOT FEASIBLE, ATTENDING ANOTHER PUBLICLY CHARTERED SCHOOL IN THE
20 COUNTY; OR

21 (III) IF ATTENDING ANOTHER PUBLICLY CHARTERED SCHOOL IN
22 THE COUNTY IS NOT FEASIBLE, APPLYING TO ATTEND A PRIVATE SCHOOL IN THE
23 COUNTY THAT QUALIFIES UNDER SUBSECTION (D)(3) OF THIS SECTION.

24 (2) A COUNTY BOARD THAT OFFERS THE OPTION TO APPLY TO ATTEND A
25 PRIVATE SCHOOL UNDER THIS SECTION SHALL PROVIDE FINANCIAL ASSISTANCE TO
26 THE TRANSFER STUDENT UNDER SUBSECTION (F) OF THIS SECTION.

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

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

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

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

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

2 (4) IF A COUNTY BOARD INTENDS TO OFFER PUBLIC SCHOOL STUDENTS
3 THE OPTION OF APPLYING TO ATTEND A PRIVATE SCHOOL UNDER THIS SECTION,
4 THE COUNTY BOARD SHALL PROVIDE THE FOLLOWING INFORMATION TO ALL
5 PARENTS OR GUARDIANS OF STUDENTS ENROLLED IN THE RECONSTITUTION OR
6 RECONSTITUTION-ELIGIBLE SCHOOL:

7 (I) THE AVAILABILITY OF THE OPTION TO APPLY TO ATTEND A
8 PRIVATE SCHOOL;

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

12 (III) THE PROCESS FOR APPLYING TO PRIVATE SCHOOLS IN THE
13 COUNTY.

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

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

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

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

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

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

30 (II) MAY NOT DISCRIMINATE IN THE ADMISSION OF STUDENTS OR
31 THE HIRING OF TEACHERS ON THE BASIS OF RACE, SEX, DISABILITY, OR ECONOMIC
32 STATUS.

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

35 (I) MEET THE EXISTING ENTRANCE REQUIREMENTS FOR THE
36 PRIVATE SCHOOL; AND

1 (II) MAINTAIN THE ACADEMIC AND BEHAVIOR STANDARDS OF THE
2 PRIVATE SCHOOL.

3 (2) IF A STUDENT ENROLLED IN A PRIVATE SCHOOL UNDER THIS
4 SECTION CONTINUES TO MEET THE ACADEMIC AND BEHAVIOR STANDARDS OF THE
5 PRIVATE SCHOOL, THEN THE STUDENT MAY ATTEND THE SCHOOL THROUGH THE
6 HIGHEST GRADE TAUGHT AT THE SCHOOL, EVEN IF THE STATE BOARD DETERMINES
7 THAT THE STUDENT'S PUBLIC SCHOOL IS NO LONGER A RECONSTITUTION OR
8 RECONSTITUTION-ELIGIBLE SCHOOL.

9 (F) (1) A COUNTY BOARD SHALL AWARD AN EDUCATIONAL OPPORTUNITY
10 SCHOLARSHIP TO A STUDENT ATTENDING A PRIVATE SCHOOL UNDER THIS SECTION
11 TO BE USED FOR THE STUDENT'S TUITION, BOOKS, TRANSPORTATION, AND OTHER
12 FEES.

13 (2) AN EDUCATIONAL OPPORTUNITY SCHOLARSHIP UNDER THIS
14 SECTION SHALL EQUAL THE DIFFERENCE BETWEEN:

15 (I) THE SUM OF THE STATE SHARE OF BASIC CURRENT EXPENSES
16 PROVIDED TO THE COUNTY PER PUPIL IN THAT FISCAL YEAR AND THE TOTAL
17 AMOUNT OF LOCAL FUNDS APPROPRIATED BY THE COUNTY GOVERNING BODY TO
18 THE SCHOOL OPERATING BUDGET PER PUPIL IN THAT FISCAL YEAR; AND

19 (II) THE TOTAL AMOUNT BUDGETED DIRECTLY FOR THE BENEFIT
20 OF OR USE BY ALL SCHOOLS IN THE COUNTY PER PUPIL FOR THAT FISCAL YEAR.

21 (3) THE TOTAL AMOUNT BUDGETED DIRECTLY FOR THE BENEFIT OF OR
22 USE BY THE RECONSTITUTION-ELIGIBLE SCHOOL FOR A STUDENT ATTENDING
23 PRIVATE SCHOOL UNDER THIS SECTION SHALL CONTINUE TO BE BUDGETED FOR
24 THE BENEFIT OF OR USE BY THE RECONSTITUTION-ELIGIBLE SCHOOL FOR THAT
25 FISCAL YEAR AND EVERY FISCAL YEAR THAT THE STUDENT ATTENDS PRIVATE
26 SCHOOL UNDER THIS SECTION.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 July 1, 2001.