

BY: Senator Bromwell

AMENDMENTS TO SENATE BILL NO. 856, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Budget and Taxation Committee Amendments (SB0856/019530/2), in line 2 of Amendment No. 1, strike "Public".

On page 2 of the bill, in line 4, after "Program;" insert "providing for the distribution of certain tobacco tax revenues to a special fund, to be used only to provide certain aid to nonpublic schools, subject to certain requirements;".

On page 3 of the bill, in line 15, strike "public".

On page 4 of the bill, in line 8, after "5-210," insert "5-217,".

AMENDMENT NO. 2

On page 53 of the bill, after line 30, insert:

"5-217.

(A) IN THIS SECTION, "FUND" MEANS THE SPECIAL FUND ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION.

(B) NOTWITHSTANDING § 2-1603 OF THE TAX - GENERAL ARTICLE, FOR EACH FISCAL YEAR, AFTER MAKING THE DISTRIBUTIONS REQUIRED UNDER §§ 2-1601 AND 2-1602 OF THE TAX - GENERAL ARTICLE, FROM THE REMAINING TOBACCO TAX REVENUE, THE COMPTROLLER SHALL DISTRIBUTE \$7,000,000 TO A SPECIAL FUND, TO BE USED ONLY TO PROVIDE AID TO NONPUBLIC SCHOOLS FOR ANY ALLOWABLE PURPOSE, INCLUDING THE PURCHASE OF TEXTBOOKS FOR LOAN TO STUDENTS IN ELIGIBLE NONPUBLIC SCHOOLS, AS PROVIDED IN THIS SECTION.

(Over)

(B) (1) NO PORTION OF THE FUND MAY BE USED FOR THE FURTHERANCE OF SECTARIAN RELIGIOUS INSTRUCTION OR IN CONNECTION WITH ANY PROGRAM OR DEPARTMENT OF DIVINITY FOR ANY RELIGIOUS DENOMINATION.

(2) UPON THE REQUEST OF THE STATE SUPERINTENDENT, A GRANTEE SHALL SUBMIT EVIDENCE SATISFACTORY TO THE STATE SUPERINTENDENT THAT NONE OF THE GRANT FUNDS HAVE BEEN OR ARE BEING USED FOR A PURPOSE PROHIBITED UNDER THIS SUBSECTION.

(C) (1) AS PROVIDED IN THE STATE BUDGET, THE FUND MAY BE USED FOR THE PURCHASE OF TEXTBOOKS FOR LOAN TO STUDENTS IN ELIGIBLE NONPUBLIC SCHOOLS AS PROVIDED IN THIS SUBSECTION.

(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE DISTRIBUTION FOR ANY PARTICIPATING SCHOOL UNDER THIS SUBSECTION MAY NOT EXCEED \$60 PER ELIGIBLE NONPUBLIC SCHOOL STUDENT.

(II) FOR A SCHOOL WHERE AT LEAST 20% OF THE STUDENTS ARE ELIGIBLE FOR THE FREE OR REDUCED PRICE LUNCH PROGRAM, THE DISTRIBUTION MAY EXCEED \$60 PER ELIGIBLE STUDENT BUT MAY NOT EXCEED \$90 PER ELIGIBLE STUDENT.

(3) TO BE ELIGIBLE TO PARTICIPATE UNDER THIS SUBSECTION, A NONPUBLIC SCHOOL:

(I) SHALL HOLD A CERTIFICATE OF APPROVAL FROM OR BE REGISTERED WITH THE STATE BOARD OF EDUCATION;

(II) MAY NOT CHARGE MORE TUITION TO A PARTICIPATING STUDENT THAN THE STATEWIDE AVERAGE PER PUPIL EXPENDITURE BY THE LOCAL EDUCATION AGENCIES, AS CALCULATED BY THE DEPARTMENT, WITH APPROPRIATE EXCEPTIONS FOR SPECIAL EDUCATION STUDENTS AS DETERMINED BY THE DEPARTMENT; AND

(III) SHALL COMPLY WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED.

(4) THE DEPARTMENT SHALL ENSURE THAT THE PROCESS FOR TEXTBOOK ACQUISITION UNDER THIS SUBSECTION:

(I) USES A LIST OF QUALIFIED TEXTBOOK VENDORS AND OF QUALIFIED TEXTBOOKS; AND

(II) USES TEXTBOOKS THAT ARE SECULAR IN CHARACTER AND ACCEPTABLE FOR USE IN ANY PUBLIC ELEMENTARY OR SECONDARY SCHOOL IN THE STATE.

(5) (I) THE DEPARTMENT SHALL:

1. RECEIVE FROM THE ELIGIBLE AND PARTICIPATING SCHOOLS REQUISITIONS FOR TEXTBOOKS TO BE PURCHASED; AND

2. FORWARD THE APPROVED REQUISITIONS AND PAYMENTS TO THE QUALIFIED TEXTBOOK VENDOR.

(II) ON RECEIPT OF APPROVED REQUISITIONS AND PAYMENT FROM THE DEPARTMENT, A QUALIFIED VENDOR SHALL SEND THE TEXTBOOKS DIRECTLY TO THE ELIGIBLE SCHOOL.

(III) AN ELIGIBLE SCHOOL RECEIVING TEXTBOOKS UNDER THIS SUBSECTION SHALL:

1. REPORT SHIPMENT RECEIPT TO THE DEPARTMENT;

2. PROVIDE ASSURANCE THAT THE SAVINGS ON THE COST OF TEXTBOOKS WILL BE DEDICATED TO REDUCING THE COST OF TEXTBOOKS FOR STUDENTS; AND

3. MAINTAIN APPROPRIATE SHIPMENT RECEIPT RECORDS FOR AUDIT PURPOSES.

(6) THE TEXTBOOKS DISTRIBUTED UNDER THIS SUBSECTION SHALL BE ON LOAN AND REMAIN THE PROPERTY OF THE STATE.

(7) THE DEPARTMENT SHALL ESTABLISH A PROCESS TO ENSURE THAT THE LOCAL EDUCATION AGENCIES ARE EFFECTIVELY AND PROMPTLY WORKING WITH THE NONPUBLIC SCHOOLS TO ENSURE THAT THE NONPUBLIC SCHOOLS HAVE APPROPRIATE ACCESS TO FEDERAL FUNDS FOR WHICH THEY ARE ELIGIBLE.

(D) FOR ANY FISCAL YEAR, NOT MORE THAN 3.0% OF THE FUND MAY BE USED FOR ADMINISTRATIVE EXPENSES.”.