
By: **Senators McFadden, Brinkley, Britt, Colburn, Currie, DeGrange, Della,
Dyson, Giannetti, Green, Harris, Hogan, Jacobs, Kasemeyer, Kittleman,
Klausmeier, Kramer, Lawlah, Middleton, Miller, Munson, Schrader,
Stone, and Teitelbaum**

Introduced and read first time: January 31, 2005
Assigned to: Budget and Taxation

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: April 9, 2005

CHAPTER _____

1 AN ACT concerning

2 **Income Tax Credit for Graduate Level Education - Nonpublic School**
3 **Teachers**

4 FOR the purpose of allowing teachers in certain nonpublic schools to claim a credit
5 against the State income tax under certain circumstances for up to a certain
6 amount of tuition paid by the teacher for certain graduate level education;
7 providing for the application of this Act; and generally relating to an income tax
8 credit for tuition paid for certain graduate level education.

9 BY repealing and reenacting, with amendments,
10 Article - Tax - General
11 Section 10-717
12 Annotated Code of Maryland
13 (2004 Replacement Volume)

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

16 **Article - Tax - General**

17 10-717.

18 (a) An individual who is a classroom teacher holding a standard professional
19 certificate or an advanced professional certificate may claim a credit against the

1 State income tax for up to \$1,500 of tuition paid by the individual during the taxable
2 year for graduate level courses required to maintain certification if the individual:

3 (1) successfully completes the courses with a grade of B or better;

4 (2) (I) is employed by a county board of education ~~OR~~;

5 (II) A NONPUBLIC SCHOOL THAT HOLDS A CERTIFICATE OF
6 APPROVAL FROM THE STATE OR IS REGISTERED WITH THE STATE BOARD OF
7 EDUCATION; OR

8 (III) A NONPUBLIC SCHOOL THAT PROVIDES SERVICES TO
9 STUDENTS IN NONPUBLIC PLACEMENTS UNDER § 8-406 OF THE EDUCATION
10 ARTICLE;

11 (3) teaches in a public OR NONPUBLIC school and receives a satisfactory
12 performance evaluation for that teaching; and

13 (4) has not been reimbursed by the county OR, IN THE CASE OF A
14 TEACHER EMPLOYED BY A NONPUBLIC SCHOOL, BY THE NONPUBLIC SCHOOL for the
15 tuition paid.

16 (b) (1) If a county OR A NONPUBLIC SCHOOL OR OTHER ENTITY partially
17 reimburses an individual for tuition paid, the individual may claim a tax credit
18 allowed under this section for the balance of the tuition not paid by the county OR THE
19 NONPUBLIC SCHOOL OR OTHER ENTITY.

20 (2) The credit allowed under this section may not exceed the State
21 income tax for that taxable year, calculated before the application of the credits
22 allowed under this section and §§ 10-701 and 10-701.1 of this subtitle but after the
23 application of the other credits allowable under this subtitle.

24 (3) The unused amount of the credit for any taxable year may not be
25 carried over to any other taxable year.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 July 1, 2005, and shall be applicable to all taxable years beginning after December 31,
28 2004.