

HOUSE BILL 1249

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8lr0973

By: **Delegates Smigiel, Dwyer, Frank, Kramer, McComas, McConkey, and Sossi**

Introduced and read first time: February 8, 2008

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools – Classes and Extracurricular Activities – Home-Schooled**
3 **Students**

4 FOR the purpose of including certain home-schooled students in the calculation of
5 certain funding formulas; authorizing a public elementary or secondary school
6 to allow certain students who are not enrolled in the school to participate in
7 certain academic classes and extracurricular activities at the school to a certain
8 extent; defining certain terms; and generally relating to the participation of and
9 funding for home-schooled students in certain public school academic classes
10 and extracurricular activities.

11 BY repealing and reenacting, without amendments,
12 Article – Education
13 Section 5–202(a)(5)
14 Annotated Code of Maryland
15 (2006 Replacement Volume and 2007 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Education
18 Section 5–202(a)(6)
19 Annotated Code of Maryland
20 (2006 Replacement Volume and 2007 Supplement)

21 BY adding to
22 Article – Education
23 Section 7–119
24 Annotated Code of Maryland
25 (2006 Replacement Volume and 2007 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article - Education**

4 5-202.

5 (a) (5) "Foundation program" means the product of the annual per pupil
6 foundation amount and a county's full-time equivalent enrollment.

7 (6) "Full-time equivalent enrollment" means the sum of:

8 (i) The number of students enrolled in grades 1 through 12 or
9 their equivalent in regular day school programs on September 30 of the previous
10 school year;

11 (ii) Except as provided in item (iii) of this paragraph, the
12 product of the number of students enrolled in kindergarten programs on September 30
13 of the prior school year and:

14 1. 0.60 in fiscal year 2004;

15 2. 0.70 in fiscal year 2005;

16 3. 0.80 in fiscal year 2006;

17 4. 0.90 in fiscal year 2007; and

18 5. 1.00 in fiscal year 2008 and each fiscal year
19 thereafter;

20 (iii) In Garrett County, the number of students enrolled in
21 kindergarten programs on September 30 of the prior school year; [and]

22 (iv) The number of full-time equivalent students, as determined
23 by a regulation of the Department, enrolled in evening high school programs during
24 the previous school year; **AND**

25 **(v) ONLY FOR THE PURPOSES OF CALCULATING THE**
26 **FOUNDATION PROGRAM, THE STATE SHARE OF THE FOUNDATION PROGRAM,**
27 **AND THE LOCAL CONTRIBUTION RATE, AS DEFINED IN THIS SUBSECTION, THE**
28 **NUMBER OF FULL-TIME EQUIVALENT HOME-SCHOOLED STUDENTS WHO**
29 **PARTICIPATE IN EXTRACURRICULAR ACTIVITIES OR IN THE ACADEMIC**
30 **CURRICULUM OF A PUBLIC SCHOOL DURING THE PREVIOUS SCHOOL YEAR AS**
31 **PROVIDED IN § 7-119 OF THIS ARTICLE.**

32 **7-119.**

1 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
2 MEANINGS INDICATED.

3 (2) “EXTRACURRICULAR ACTIVITY” INCLUDES INTERSCHOLASTIC
4 ATHLETICS, MUSIC OR DRAMA PROGRAMS, STUDENT ORGANIZATIONS, OR
5 OTHER PROGRAMS SPONSORED BY THE SCHOOL:

6 (I) IN WHICH A STUDENT MAY PARTICIPATE OUTSIDE OF
7 REGULAR SCHOOL HOURS; AND

8 (II) FOR WHICH A STUDENT DOES NOT EARN ACADEMIC
9 CREDIT.

10 (3) “HOME-SCHOOLED STUDENT” MEANS A STUDENT WHO:

11 (I) PARTICIPATES IN A HOME INSTRUCTION PROGRAM
12 UNDER WRITTEN AGREEMENT WITH THE COUNTY SUPERINTENDENT; AND

13 (II) IS ELIGIBLE TO ATTEND A PUBLIC ELEMENTARY OR
14 SECONDARY SCHOOL IN THE COUNTY.

15 (B) SUBJECT TO SUBSECTIONS (C) AND (D) OF THIS SECTION, A PUBLIC
16 ELEMENTARY OR SECONDARY SCHOOL MAY ALLOW A HOME-SCHOOLED
17 STUDENT WHO IS NOT ENROLLED IN THE SCHOOL TO PARTICIPATE IN AN
18 EXTRACURRICULAR ACTIVITY AND IN THE ACADEMIC CURRICULUM OF THE
19 SCHOOL TO THE SAME EXTENT THAT A STUDENT WHO IS ENROLLED AT THE
20 SCHOOL MAY PARTICIPATE.

21 (C) IN ANY ACADEMIC YEAR, A HOME-SCHOOLED STUDENT MAY
22 PARTICIPATE IN NOT MORE THAN FOUR COURSE OFFERINGS IN THE ACADEMIC
23 CURRICULUM OF THE PUBLIC SCHOOL, CHOSEN FROM AMONG:

24 (1) MATHEMATICS;

25 (2) SCIENCE;

26 (3) LANGUAGES;

27 (4) ART; AND

28 (5) MUSIC.

1 (D) IF THERE ARE A LIMITED NUMBER OF SPACES AVAILABLE FOR
2 STUDENTS IN AN EXTRACURRICULAR ACTIVITY OR IN A COURSE OFFERING IN
3 THE ACADEMIC CURRICULUM, A PUBLIC SCHOOL SHALL GIVE PLACEMENT
4 PRIORITY FOR THE EXTRACURRICULAR ACTIVITY OR FOR THE COURSE
5 OFFERING TO THE STUDENTS ENROLLED IN THE PUBLIC SCHOOL OVER ANY
6 NONENROLLED HOME-SCHOOLED STUDENT.

7 (E) THE ENROLLMENT OF HOME-SCHOOLED STUDENTS SHALL BE
8 INCLUDED IN THE CALCULATION OF THE FOUNDATION PROGRAM, THE LOCAL
9 CONTRIBUTION RATE, AND THE STATE SHARE OF THE FOUNDATION PROGRAM
10 AS PROVIDED IN § 5-202 OF THIS ARTICLE.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2008.