

SENATE BILL 813

F1

8lr1467

By: **Senator Pipkin**

Introduced and read first time: February 7, 2008

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Scholarship Program for Children with a Disability**

3 FOR the purpose of establishing a Scholarship Program for Children with a Disability;
4 authorizing a parent or legal guardian of a child with a disability to enroll the
5 child in an eligible private institution and use scholarship funds to offset certain
6 costs relating to the attendance of the child with a disability at the eligible
7 private institution; establishing eligibility to participate in the Program;
8 providing for the administration of funds for the Program; establishing the
9 amount of a scholarship; prohibiting an eligible private institution from
10 refunding, rebating, or sharing scholarship moneys with a certain child with a
11 disability or a certain parent or legal guardian; authorizing a certain eligible
12 private institution to accept or deny admission to a certain qualifying student
13 under certain circumstances; requiring the eligible private institution to notify
14 certain county boards and the State Superintendent under certain
15 circumstances; requiring certain county boards to provide certain records to the
16 eligible private institution under certain circumstances; providing for the
17 construction of this Act; requiring the Department to adopt regulations;
18 defining certain terms; and generally relating to the establishment of a
19 Scholarship Program for Children with Disabilities.

20 BY adding to

21 Article – Education

22 Section 8–418

23 Annotated Code of Maryland

24 (2006 Replacement Volume and 2007 Supplement)

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

27 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **8-418.**

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

4 (2) "CHILD WITH A DISABILITY" HAS THE MEANING STATED IN §
5 8-401 OF THIS SUBTITLE.

6 (3) "ELIGIBLE PRIVATE INSTITUTION" MEANS ANY PRIVATE
7 NONCOLLEGIATE EDUCATIONAL INSTITUTION IN THE STATE THAT HOLDS A
8 VALID CERTIFICATE OF APPROVAL FROM THE DEPARTMENT IN ACCORDANCE
9 WITH DEPARTMENT REGULATIONS.

10 (4) "PROGRAM" MEANS THE SCHOLARSHIP PROGRAM FOR
11 CHILDREN WITH A DISABILITY.

12 (B) (1) THERE IS A SCHOLARSHIP PROGRAM FOR CHILDREN WITH A
13 DISABILITY.

14 (2) UNDER THE PROGRAM, A PARENT OR LEGAL GUARDIAN OF A
15 CHILD WITH A DISABILITY MAY:

16 (I) ENROLL THE CHILD IN AN ELIGIBLE PRIVATE
17 INSTITUTION; AND

18 (II) USE SCHOLARSHIP FUNDS TO OFFSET COSTS RELATING
19 TO ENROLLING, EDUCATING, AND SERVING THE CHILD WITH A DISABILITY FOR
20 THE ATTENDANCE OF THE CHILD WITH A DISABILITY AT THE ELIGIBLE PRIVATE
21 INSTITUTION, AS PROVIDED UNDER SUBSECTION (C) OF THIS SECTION.

22 (3) A CHILD WITH A DISABILITY IS ELIGIBLE FOR ENROLLMENT
23 IN AN ELIGIBLE PRIVATE INSTITUTION UNDER THE PROGRAM UNTIL THE FIRST
24 OF:

25 (I) THE GRADUATION FROM HIGH SCHOOL OF THE CHILD
26 WITH A DISABILITY; OR

27 (II) THE 21ST BIRTHDAY OF THE CHILD WITH A DISABILITY.

28 (C) (1) NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW, FUNDS
29 FOR THE PROGRAM SHALL BE ADMINISTERED ACCORDING TO THIS
30 SUBSECTION.

1 **(2) (I) EACH CHILD WITH A DISABILITY IS ELIGIBLE TO**
2 **ANNUALLY RECEIVE A SCHOLARSHIP IN THE AMOUNT OF THE LESSER OF \$3,000**
3 **OR THE COST OF ATTENDANCE AT THE ELIGIBLE PRIVATE INSTITUTION.**

4 **(II) TOTAL STATE EXPENDITURES FOR THE SCHOLARSHIP**
5 **PAYMENTS MAY NOT EXCEED \$150,000 IN ANY FISCAL YEAR.**

6 **(3) WHEN A CHILD WITH A DISABILITY ENROLLS IN AN ELIGIBLE**
7 **PRIVATE INSTITUTION, THE ELIGIBLE PRIVATE INSTITUTION SHALL INFORM**
8 **THE STATE SUPERINTENDENT.**

9 **(4) ON RECEIVING NOTIFICATION UNDER PARAGRAPH (3) OF**
10 **THIS SUBSECTION, THE DEPARTMENT SHALL PAY THE ELIGIBLE PRIVATE**
11 **INSTITUTION THE SCHOLARSHIP AMOUNT FOR THE CHILD WITH A DISABILITY**
12 **SPECIFIED UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

13 **(5) AN ELIGIBLE PRIVATE INSTITUTION MAY NOT REFUND,**
14 **REBATE, OR SHARE SCHOLARSHIP MONEYS WITH:**

15 **(I) A CHILD WITH A DISABILITY WHO IS ENROLLED IN THE**
16 **ELIGIBLE PRIVATE INSTITUTION; OR**

17 **(II) A PARENT OR LEGAL GUARDIAN OF THE CHILD WITH A**
18 **DISABILITY.**

19 **(D) (1) AN ELIGIBLE PRIVATE INSTITUTION MAY ACCEPT A CHILD**
20 **WITH A DISABILITY UNDER THE PROGRAM ON A FIRST-COME,**
21 **FIRST-SERVED BASIS UNTIL THE ELIGIBLE PRIVATE INSTITUTION RECEIVES**
22 **MORE APPLICATIONS FOR PLACEMENTS UNDER THE PROGRAM THAN THE**
23 **ELIGIBLE PRIVATE INSTITUTION HAS SPACES.**

24 **(2) IF AN ELIGIBLE PRIVATE INSTITUTION IS OVERSUBSCRIBED,**
25 **THE ELIGIBLE PRIVATE INSTITUTION MAY GIVE PREFERENCE TO A CHILD WITH**
26 **A DISABILITY WHO HAD PREVIOUSLY ENROLLED IN THE ELIGIBLE PRIVATE**
27 **INSTITUTION.**

28 **(E) (1) ON ACCEPTING FOR ENROLLMENT A CHILD WITH A**
29 **DISABILITY UNDER THE PROGRAM, AN ELIGIBLE PRIVATE INSTITUTION**
30 **PROMPTLY SHALL NOTIFY THE COUNTY BOARD OF THE COUNTY IN WHICH THE**
31 **CHILD WITH A DISABILITY IS DOMICILED OF THE ACCEPTANCE.**

32 **(2) ON RECEIVING NOTIFICATION UNDER PARAGRAPH (1) OF**
33 **THIS SUBSECTION, THE COUNTY BOARD PROMPTLY SHALL PROVIDE THE**
34 **ELIGIBLE PRIVATE INSTITUTION WITH A COMPLETE COPY OF THE SCHOOL**

1 RECORDS OF THE CHILD WITH A DISABILITY, IN ACCORDANCE WITH THE
2 FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (20 U.S.C. § 1232G, 34
3 C.F.R. PART 99).

4 (F) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A CHILD WITH
5 A DISABILITY, AN ELIGIBLE PRIVATE INSTITUTION, OR THE PROGRAM FROM
6 RECEIVING FUNDS FROM PRIVATE, FEDERAL, OR OTHER SOURCES.

7 (G) THE DEPARTMENT SHALL ADOPT REGULATIONS AS NECESSARY TO
8 IMPLEMENT THIS SECTION.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 July 1, 2008.