

HOUSE BILL 1033

F1

3lr2548

By: **Delegate Stocksdales**

Introduced and read first time: February 8, 2013

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Taxpayers’ Savings Act**

3 FOR the purpose of authorizing a certain parent or legal guardian to receive
4 reimbursement of tuition paid to a certain nonpublic school, under certain
5 circumstances; establishing the eligibility for and the amount of the
6 reimbursement; prohibiting reimbursement in an amount that is more than a
7 certain cost; prohibiting the use of federal funds for reimbursement; requiring
8 certain counties to include certain students in their full-time equivalent
9 enrollment; requiring that certain funds be subtracted from State financial
10 assistance to a county; requiring a county board to remit payment within a
11 certain number of days after receipt of a certain request from a parent or legal
12 guardian; requiring the Comptroller to adopt certain regulations, in
13 consultation with the State Department of Education, and to submit a certain
14 annual report; establishing the autonomy of certain schools; requiring certain
15 county boards to provide school records and transportation for certain students,
16 under certain circumstances; requiring the State Department of Education to
17 adopt certain regulations; defining certain terms; and generally relating to
18 tuition reimbursement for enrollment in nonpublic schools.

19 BY adding to

20 Article – Education

21 Section 5–216

22 Annotated Code of Maryland

23 (2008 Replacement Volume and 2012 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**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **5-216.**

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

4 (2) "ELIGIBLE NONPUBLIC SCHOOL" MEANS A NONPUBLIC
5 KINDERGARTEN, ELEMENTARY SCHOOL, OR SECONDARY SCHOOL IN THE STATE
6 THAT HOLDS A CERTIFICATE OF APPROVAL FROM OR IS REGISTERED WITH THE
7 STATE BOARD.

8 (3) "ELIGIBLE STUDENT" MEANS A CHILD WHO RESIDES IN THE
9 STATE AND WHO:

10 (I) IS ENTERING KINDERGARTEN; OR

11 (II) ATTENDED A PUBLIC SCHOOL IN THE SCHOOL YEAR
12 IMMEDIATELY PRECEDING INITIAL PARTICIPATION IN THE PROGRAM.

13 (B) A PARENT OR LEGAL GUARDIAN OF AN ELIGIBLE STUDENT SHALL
14 BE ELIGIBLE TO RECEIVE REIMBURSEMENT OF TUITION PAID TO COVER THE
15 COST OF ATTENDANCE OF THE ELIGIBLE STUDENT AT AN ELIGIBLE NONPUBLIC
16 SCHOOL.

17 (C) (1) AN ELIGIBLE STUDENT SHALL QUALIFY FOR AN ANNUAL
18 REIMBURSEMENT TO ATTEND AN ELIGIBLE NONPUBLIC SCHOOL IN AN AMOUNT
19 EQUAL TO THE LESSER OF:

20 (I) THE TUITION PAID; OR

21 (II) 60% OF THE ANNUAL PER PUPIL AID THE COUNTY
22 BOARD WOULD HAVE RECEIVED TO EDUCATE THE ELIGIBLE STUDENT FROM
23 STATE AND LOCAL SOURCES HAD THE STUDENT ENROLLED IN A PUBLIC SCHOOL
24 IN THE COUNTY.

25 (2) AN ELIGIBLE STUDENT MAY NOT RECEIVE REIMBURSEMENT
26 IN AN AMOUNT THAT IS MORE THAN THE COST OF TUITION AT THE ELIGIBLE
27 NONPUBLIC SCHOOL OF ATTENDANCE.

28 (D) FEDERAL FUNDS MAY NOT BE USED FOR REIMBURSEMENT UNDER
29 THIS SECTION.

30 (E) REIMBURSEMENT SHALL BE MADE AVAILABLE TO EACH ELIGIBLE
31 STUDENT UNTIL THE EARLIER OF:

1 (1) COMPLETION OF HIGH SCHOOL; OR

2 (2) THE STUDENT'S 21ST BIRTHDAY.

3 (F) (1) A COUNTY SHALL INCLUDE AN ELIGIBLE STUDENT THAT
4 RECEIVES REIMBURSEMENT UNDER THIS SECTION IN THE COUNTY'S FULL-TIME
5 EQUIVALENT ENROLLMENT UNDER § 5-202 OF THIS SUBTITLE.

6 (2) ANY FUNDS USED FOR REIMBURSEMENT UNDER THIS
7 SECTION SHALL BE SUBTRACTED FROM THE STATE FINANCIAL ASSISTANCE FOR
8 PUBLIC EDUCATION TO THE COUNTY.

9 (3) THE COUNTY SHALL RECEIVE THE REMAINING FINANCIAL
10 ASSISTANCE IN EXCESS OF THE FUNDS NEEDED FOR REIMBURSEMENT.

11 (4) THE COUNTY BOARD SHALL REMIT PAYMENT TO THE PARENT
12 OR LEGAL GUARDIAN OF AN ELIGIBLE STUDENT WITHIN 30 DAYS AFTER
13 RECEIPT OF THE PARENT'S OR LEGAL GUARDIAN'S REQUEST FOR
14 REIMBURSEMENT UNDER THIS SECTION.

15 (G) (1) THE COMPTROLLER, IN CONSULTATION WITH THE
16 DEPARTMENT, SHALL ADOPT REGULATIONS NECESSARY TO CARRY OUT THE
17 PROVISIONS OF THIS SECTION.

18 (2) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE
19 COMPTROLLER SHALL SUBMIT TO THE GOVERNOR AND, IN ACCORDANCE WITH
20 § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY A
21 REPORT ON:

22 (I) THE NUMBER AND AMOUNT OF REIMBURSEMENTS
23 CLAIMED; AND

24 (II) THE NUMBER OF ELIGIBLE NONPUBLIC SCHOOLS
25 ENROLLING ELIGIBLE STUDENTS.

26 (H) THIS SECTION DOES NOT EXPAND THE REGULATORY AUTHORITY OF
27 THE STATE OR A LOCAL SCHOOL SYSTEM TO IMPOSE ANY ADDITIONAL
28 REGULATION OF NONPUBLIC SCHOOLS BEYOND THOSE REASONABLY
29 NECESSARY TO CARRY OUT THE REQUIREMENTS OF THIS SECTION.

30 (I) A COUNTY BOARD SHALL PROVIDE:

1 **(1) TO AN ELIGIBLE NONPUBLIC SCHOOL THAT HAS ADMITTED AN**
2 **ELIGIBLE STUDENT UNDER THIS SECTION, A COMPLETE COPY OF THE**
3 **STUDENT'S SCHOOL RECORDS IN COMPLIANCE WITH THE FAMILY**
4 **EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 ESTABLISHED UNDER 20**
5 **U.S.C. § 1232(G); AND**

6 **(2) TRANSPORTATION FOR THE ELIGIBLE STUDENT TO AND FROM**
7 **THE ELIGIBLE NONPUBLIC SCHOOL UNDER THE SAME CONDITIONS AS THE**
8 **COUNTY BOARD IS REQUIRED TO PROVIDE TRANSPORTATION FOR OTHER**
9 **RESIDENT CHILDREN TO NONPUBLIC SCHOOLS.**

10 **(J) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT**
11 **THIS SECTION.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 July 1, 2013.