

# HOUSE BILL 737

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HB 737/22 – W&M

3lr1678

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By: **Delegates Ghrist, Rose, Adams, Arentz, Baker, Buckel, Chisholm, Fisher, Griffith, Hartman, Hinebaugh, Hornberger, Hutchinson, Jacobs, Kipke, R. Long, Mangione, McComas, Metzgar, Miller, M. Morgan, T. Morgan, Munoz, Nawrocki, Otto, Pippy, Schmidt, Stonko, Szeliga, Tomlinson, Valentine, and Wivell**

Introduced and read first time: February 8, 2023

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Alternative Education Options – Right to Learn and Broadening Options and**  
3 **Opportunities for Students Today Programs**  
4 **(Right to Learn Act of 2023)**

5 FOR the purpose of requiring, on or before a certain date each year, each county board of  
6 education to provide certain information to the parents or legal guardians of students  
7 who attend a failing school; requiring students who are attending a failing school to  
8 be provided the opportunity to pursue an alternative education option; establishing  
9 the Right to Learn Program to provide certain students with certain scholarships;  
10 establishing the Broadening Options and Opportunities for Students Today Program  
11 to provide certain students with certain scholarships; and generally relating to  
12 alternative education options for students who attend failing schools, the Right to  
13 Learn Program, and the Broadening Options and Opportunities for Students Today  
14 Program.

15 BY adding to  
16 Article – Education  
17 Section 5–244 and 5–245  
18 Annotated Code of Maryland  
19 (2022 Replacement Volume)

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

22 **Article – Education**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **5-244.**

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

4 (2) "ALTERNATIVE EDUCATION OPTION" MEANS:

5 (I) A PUBLIC SCHOOL THAT IS NOT A FAILING SCHOOL IN THE  
6 SAME COUNTY;

7 (II) A NONPUBLIC SCHOOL; OR

8 (III) A HOME INSTRUCTION PROGRAM REVIEWED BY THE LOCAL  
9 SCHOOL SYSTEM IN ACCORDANCE WITH REGULATIONS.

10 (3) "FAILING SCHOOL" MEANS A SCHOOL THAT HAS BEEN GIVEN TWO  
11 OR FEWER STARS UNDER THE STAR RATING SYSTEM FOR AT LEAST THE PRIOR 2  
12 CONSECUTIVE SCHOOL YEARS.

13 (4) "PROGRAM" MEANS THE RIGHT TO LEARN PROGRAM.

14 (5) "QUALIFIED EDUCATION EXPENSE" MEANS:

15 (I) TUITION AND FEES FOR:

16 1. A NONPUBLIC SCHOOL;

17 2. A PUBLIC CHARTER SCHOOL;

18 3. PROGRAMS OF STUDY OR A CURRICULUM OF  
19 COURSES THAT LEADS TO AN INDUSTRY-RECOGNIZED CREDENTIAL THAT SATISFIES  
20 A WORKFORCE NEED;

21 4. A NONPUBLIC ONLINE LEARNING PROGRAM; OR

22 5. AN ALTERNATIVE EDUCATION OPTION;

23 (II) TUTORING SERVICES PROVIDED BY A TUTORING FACILITY  
24 OR AN INDIVIDUAL WHO IS NOT A RELATIVE OF THE STUDENT;

25 (III) FEES FOR:

26 1. NATIONALLY STANDARDIZED ASSESSMENTS;

1                   2.     **ADVANCED PLACEMENT EXAMS;**

2                   3.     **EXAMS REQUIRED FOR ADMISSION TO AN**  
3 **INSTITUTION OF POSTSECONDARY EDUCATION OR A PRIVATE CAREER SCHOOL;**

4                   4.     **AFTER SCHOOL OR SUMMER EDUCATION PROGRAMS;**

5                   5.     **TRANSPORTATION PAID TO A FEE-FOR-SERVICE**  
6 **TRANSPORTATION PROVIDER FOR THE STUDENT TO TRAVEL TO AND FROM AN**  
7 **ALTERNATIVE EDUCATION OPTION; OR**

8                   6.     **PREPARATORY COURSES FOR EXAMS UNDER THIS**  
9 **ITEM;**

10                   **(IV) EDUCATIONAL SERVICES AND THERAPIES RELATING TO A**  
11 **STUDENT’S EDUCATION, INCLUDING:**

12                   1.     **OCCUPATIONAL THERAPY;**

13                   2.     **BEHAVIORAL THERAPY;**

14                   3.     **PHYSICAL THERAPY;**

15                   4.     **SPEECH-LANGUAGE THERAPY; AND**

16                   5.     **AUDIOLOGY THERAPY; AND**

17                   **(V) THE COST OF CURRICULUM MATERIALS FOR A HOME**  
18 **INSTRUCTION PROGRAM.**

19                   **(6) “STAR RATING SYSTEM” MEANS THE SYSTEM THAT AWARDS A**  
20 **SCORE TO A PUBLIC SCHOOL UNDER THE STATE ACCOUNTABILITY SYSTEM**  
21 **ADOPTED BY THE STATE BOARD AS REQUIRED BY THE FEDERAL EVERY STUDENT**  
22 **SUCCEEDS ACT.**

23                   **(7) “TOTAL PER PUPIL AMOUNT” MEANS THE COUNTY BOARD PER**  
24 **PUPIL SPENDING FOR THE EDUCATION AID PROGRAMS UNDER THIS SUBTITLE.**

25                   **(B) (1) ON OR BEFORE JANUARY 1 EACH YEAR, BASED ON THE STAR**  
26 **RATINGS AWARDED UNDER THE STAR RATING SYSTEM DURING THE IMMEDIATELY**  
27 **PRECEDING DECEMBER, EACH COUNTY BOARD SHALL PROVIDE THE FOLLOWING**  
28 **INFORMATION TO THE PARENT OR LEGAL GUARDIAN OF EACH STUDENT WHO**

1 ATTENDS A FAILING SCHOOL:

2 (I) NOTIFICATION THAT THE SCHOOL IS A FAILING SCHOOL;  
3 AND

4 (II) A LIST OF AVAILABLE ALTERNATIVE SCHOOL OPTIONS.

5 (2) A SCHOOL SHALL CONTINUE TO BE DESIGNATED A FAILING  
6 SCHOOL UNTIL THE SCHOOL RECEIVES A THREE-STAR RATING OR ABOVE FOR 2  
7 CONSECUTIVE SCHOOL YEARS.

8 (C) (1) A STUDENT ATTENDING A FAILING SCHOOL SHALL BE PROVIDED  
9 THE OPPORTUNITY TO PURSUE AN ALTERNATIVE EDUCATION OPTION.

10 (2) ON OR BEFORE APRIL 1 OF THE YEAR IN WHICH A PARENT OR  
11 LEGAL GUARDIAN RECEIVES INFORMATION UNDER SUBSECTION (B) OF THIS  
12 SECTION, THE PARENT OR LEGAL GUARDIAN SHALL NOTIFY THE COUNTY BOARD OF  
13 THE STUDENT'S DECISION TO:

14 (I) CONTINUE ATTENDING THE CURRENT SCHOOL; OR

15 (II) PURSUE AN ALTERNATIVE EDUCATION OPTION.

16 (D) (1) THERE IS A RIGHT TO LEARN PROGRAM.

17 (2) THE PURPOSE OF THE PROGRAM IS TO PROVIDE RIGHT TO LEARN  
18 SCHOLARSHIPS FOR STUDENTS WHO ATTEND A FAILING SCHOOL AND CHOOSE TO  
19 PURSUE AN ALTERNATIVE EDUCATION OPTION.

20 (3) THE DEPARTMENT SHALL ADMINISTER THE PROGRAM.

21 (4) (I) FOR EACH STUDENT WHO RECEIVES A RIGHT TO LEARN  
22 SCHOLARSHIP UNDER THE PROGRAM, THE APPLICABLE COUNTY BOARD SHALL  
23 REMIT FUNDS TO THE DEPARTMENT EQUAL TO THE TOTAL PER PUPIL AMOUNT.

24 (II) THE DEPARTMENT SHALL RETURN ANY UNUSED FUNDS  
25 REMITTED UNDER THIS PARAGRAPH TO THE COUNTY BOARD.

26 (5) (I) A STUDENT WHO RECEIVES A RIGHT TO LEARN  
27 SCHOLARSHIP UNDER THE PROGRAM MAY USE THE FUNDS FOR QUALIFIED  
28 EDUCATION EXPENSES.

29 (II) A STUDENT MAY NOT RECEIVE A RIGHT TO LEARN

1 SCHOLARSHIP IF THE STUDENT RECEIVED A SCHOLARSHIP IN ACCORDANCE WITH §  
2 5-245 OF THIS SUBTITLE IN THE SAME SCHOOL YEAR.

3 (E) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THE  
4 PROVISIONS OF THIS SECTION.

5 5-245.

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

8 (2) "ADVISORY BOARD" MEANS THE BROADENING OPTIONS AND  
9 OPPORTUNITIES FOR STUDENTS TODAY ADVISORY BOARD.

10 (3) "PROGRAM" MEANS THE BROADENING OPTIONS AND  
11 OPPORTUNITIES FOR STUDENTS TODAY PROGRAM.

12 (B) THE PURPOSE OF THE PROGRAM IS TO PROVIDE SCHOLARSHIPS FOR  
13 STUDENTS WHO ARE ELIGIBLE FOR THE FREE AND REDUCED-PRICE LUNCH  
14 PROGRAM TO ATTEND A NONPUBLIC SCHOOL.

15 (C) THE DEPARTMENT SHALL ADMINISTER THE PROGRAM.

16 (D) (1) TO BE ELIGIBLE TO PARTICIPATE IN THE PROGRAM, A  
17 NONPUBLIC SCHOOL SHALL:

18 (I) PARTICIPATE IN THE AID TO NON-PUBLIC SCHOOLS  
19 PROGRAM FOR TEXTBOOKS AND COMPUTER HARDWARE AND SOFTWARE  
20 ADMINISTERED BY THE DEPARTMENT;

21 (II) PROVIDE MORE THAN PREKINDERGARTEN AND  
22 KINDERGARTEN PROGRAMS;

23 (III) ADMINISTER ASSESSMENTS TO ALL STUDENTS IN  
24 ACCORDANCE WITH FEDERAL AND STATE LAW; AND

25 (IV) COMPLY WITH TITLE VI OF THE CIVIL RIGHTS ACT OF  
26 1964, AS AMENDED, AND TITLE 20, SUBTITLE 6 OF THE STATE GOVERNMENT  
27 ARTICLE, AND NOT DISCRIMINATE IN STUDENT ADMISSIONS ON THE BASIS OF RACE,  
28 COLOR, NATIONAL ORIGIN, OR SEXUAL ORIENTATION.

29 (2) NOTHING IN THIS SUBSECTION SHALL REQUIRE ANY SCHOOL OR  
30 INSTITUTION TO ADOPT ANY RULE, REGULATION, OR POLICY THAT CONFLICTS WITH

1 ITS RELIGIOUS OR MORAL TEACHINGS.

2 (3) IF A NONPUBLIC SCHOOL DOES NOT COMPLY WITH THE  
3 REQUIREMENTS OF THIS SUBSECTION, THE NONPUBLIC SCHOOL:

4 (I) SHALL REIMBURSE TO THE DEPARTMENT ALL  
5 SCHOLARSHIP FUNDS RECEIVED UNDER THE PROGRAM; AND

6 (II) MAY NOT CHARGE THE STUDENT TUITION AND FEES IN LIEU  
7 OF SCHOLARSHIP FUNDS.

8 (4) THE ONLY LEGAL REMEDY FOR VIOLATION OF THIS SUBSECTION  
9 IS INELIGIBILITY FOR PARTICIPATING IN THE PROGRAM.

10 (E) (1) THE DEPARTMENT SHALL:

11 (I) ESTABLISH PROCEDURES FOR THE APPLICATION AND  
12 AWARD PROCESS FOR SCHOLARSHIPS FOR STUDENTS WHO ARE ELIGIBLE FOR THE  
13 PROGRAM;

14 (II) 1. COMPILE AND CERTIFY A LIST OF APPLICANTS THAT  
15 RANKS ELIGIBLE STUDENTS BY FAMILY INCOME EXPRESSED AS A PERCENTAGE OF  
16 THE MOST RECENT FEDERAL POVERTY LEVELS; AND

17 2. SUBMIT THE RANKED LIST OF APPLICANTS TO THE  
18 ADVISORY BOARD; AND

19 (III) MAKE SCHOLARSHIP AWARDS TO ELIGIBLE STUDENTS AS  
20 DETERMINED BY THE ADVISORY BOARD.

21 (2) THE PROCEDURES ESTABLISHED IN ACCORDANCE WITH  
22 PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE CONSIDERATION FOR AWARD  
23 ADJUSTMENTS IF AN ELIGIBLE STUDENT BECOMES INELIGIBLE DURING THE  
24 COURSE OF THE SCHOOL YEAR.

25 (F) (1) THE AMOUNT OF A SCHOLARSHIP AWARDED UNDER THIS SECTION  
26 MAY NOT EXCEED THE LESSER OF:

27 (I) THE STATEWIDE AVERAGE PER PUPIL AMOUNT; OR

28 (II) THE TUITION OF THE NONPUBLIC SCHOOL.

29 (2) AN ELIGIBLE STUDENT MAY NOT RECEIVE A SCHOLARSHIP IF THE

1 STUDENT RECEIVED A RIGHT TO LEARN SCHOLARSHIP IN ACCORDANCE WITH §  
2 5-244 OF THIS SUBTITLE IN THE SAME SCHOOL YEAR.

3 (G) FOR EACH FISCAL YEAR, THE GOVERNOR SHALL INCLUDE IN THE  
4 ANNUAL BUDGET BILL AN APPROPRIATION OF \$10,000,000 TO THE PROGRAM.

5 (H) (1) THERE IS A BROADENING OPTIONS AND OPPORTUNITIES FOR  
6 STUDENTS TODAY ADVISORY BOARD.

7 (2) THE ADVISORY BOARD CONSISTS OF THE FOLLOWING MEMBERS:

8 (I) TWO MEMBERS APPOINTED BY THE GOVERNOR;

9 (II) TWO MEMBERS APPOINTED BY THE PRESIDENT OF THE  
10 SENATE;

11 (III) TWO MEMBERS APPOINTED BY THE SPEAKER OF THE  
12 HOUSE; AND

13 (IV) ONE MEMBER JOINTLY APPOINTED BY THE PRESIDENT OF  
14 THE SENATE AND THE SPEAKER OF THE HOUSE TO SERVE AS CHAIR OF THE  
15 ADVISORY BOARD.

16 (3) A MEMBER OF THE ADVISORY BOARD MAY NOT:

17 (I) BE AN ELECTED OFFICIAL; OR

18 (II) HAVE ANY FINANCIAL INTEREST IN AN ELIGIBLE  
19 NONPUBLIC SCHOOL.

20 (4) THE ADVISORY BOARD SHALL:

21 (I) REVIEW AND CERTIFY THE RANKED LIST OF APPLICANTS  
22 COMPILED BY THE DEPARTMENT; AND

23 (II) DETERMINE SCHOLARSHIP AWARD AMOUNTS.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
25 1, 2023.