

HOUSE BILL 737

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HB 737/22 – W&M

3lr1678

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

A BILL ENTITLED

AN ACT concerning

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

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

BY adding to

Article – Education
Section 5–244 and 5–245
Annotated Code of Maryland
(2022 Replacement Volume)

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

Article – Education

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



5-244.

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

(2) “ALTERNATIVE EDUCATION OPTION” MEANS:

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

(II) A NONPUBLIC SCHOOL; OR

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

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

(4) “PROGRAM” MEANS THE RIGHT TO LEARN PROGRAM.

(5) “QUALIFIED EDUCATION EXPENSE” MEANS:

(I) TUITION AND FEES FOR:

1. A NONPUBLIC SCHOOL;

2. A PUBLIC CHARTER SCHOOL;

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

4. A NONPUBLIC ONLINE LEARNING PROGRAM; OR

5. AN ALTERNATIVE EDUCATION OPTION;

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

(III) FEES FOR:

1. NATIONALLY STANDARDIZED ASSESSMENTS;

2. **ADVANCED PLACEMENT EXAMS;**

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

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

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

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

(IV) EDUCATIONAL SERVICES AND THERAPIES RELATING TO A STUDENT'S EDUCATION, INCLUDING:

1. **OCCUPATIONAL THERAPY;**

2. **BEHAVIORAL THERAPY;**

3. **PHYSICAL THERAPY;**

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

5. **AUDIOLOGY THERAPY; AND**

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

(6) "STAR RATING SYSTEM" MEANS THE SYSTEM THAT AWARDS A SCORE TO A PUBLIC SCHOOL UNDER THE STATE ACCOUNTABILITY SYSTEM ADOPTED BY THE STATE BOARD AS REQUIRED BY THE FEDERAL EVERY STUDENT SUCCEEDS ACT.

(7) "TOTAL PER PUPIL AMOUNT" MEANS THE COUNTY BOARD PER PUPIL SPENDING FOR THE EDUCATION AID PROGRAMS UNDER THIS SUBTITLE.

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

ATTENDS A FAILING SCHOOL:

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

(II) A LIST OF AVAILABLE ALTERNATIVE SCHOOL OPTIONS.

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

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

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

(I) CONTINUE ATTENDING THE CURRENT SCHOOL; OR

(II) PURSUE AN ALTERNATIVE EDUCATION OPTION.

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

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

(3) THE DEPARTMENT SHALL ADMINISTER THE PROGRAM.

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

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

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

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

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

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

5-245.

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

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

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

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

(C) THE DEPARTMENT SHALL ADMINISTER THE PROGRAM.

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

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

(II) PROVIDE MORE THAN PREKINDERGARTEN AND KINDERGARTEN PROGRAMS;

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

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

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

ITS RELIGIOUS OR MORAL TEACHINGS.

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

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

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

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

(E) (1) THE DEPARTMENT SHALL:

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

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

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

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

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

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

(I) THE STATEWIDE AVERAGE PER PUPIL AMOUNT; OR

(II) THE TUITION OF THE NONPUBLIC SCHOOL.

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

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

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

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

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

(I) TWO MEMBERS APPOINTED BY THE GOVERNOR;

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

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

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

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

(I) BE AN ELECTED OFFICIAL; OR

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

(4) THE ADVISORY BOARD SHALL:

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

(II) DETERMINE SCHOLARSHIP AWARD AMOUNTS.

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