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§2–206.

(a) In this section, "noncollegiate educational institution" means a school or other institution that offers an educational program but is not an institution of postsecondary education, as defined in § 10–101 of this article.

(b) (1) This section does not apply to:

(i) Apprenticeship and on–the–job training programs that are subject to the approval of the Apprenticeship and Training Council;

(ii) Individuals or entities that offer or arrange for instruction solely for avocational purposes through courses in areas such as art, music, dance, drama, sports, crafts, or photography, if these courses are designed primarily for developing skills for personal enrichment, recreation, or other leisure pursuits; or

(iii) Individuals or entities that offer or arrange for a supplemental educational program or tutoring in subjects usually taught in an elementary or secondary school to students concurrently enrolled in public or nonpublic schools.

(2) This section does not apply to these individuals or entities specified in paragraph (1)(ii) of this subsection solely on the basis that they use the word "school" as a part of their name, in literature or publications such as advertisements, brochures, catalogs or bulletins, or in other pronouncements.

(c) With the advice of the State Superintendent, the State Board shall adopt bylaws, rules, and regulations for the approval and accreditation of all public schools.

(d) With the advice of the State Superintendent, the State Board shall establish minimum requirements for issuing certificates and diplomas by public and private noncollegiate educational institutions in this State.

(e) (1) A noncollegiate educational institution may not operate in this State without a certificate of approval from the State Board.

(2) The State Board shall issue a certificate of approval to a noncollegiate educational institution if it finds that the facilities, conditions of entrance and scholarship, and educational qualifications and standards are adequate and appropriate for:

(i) The purposes of the institution;

(ii) The programs, training, and courses to be taught by the institution; and

(iii) The certificates and diplomas to be issued by it.

(3) The State Board may not issue a certificate of approval to an institution that:

(i) Practices discrimination based on race, color, or national origin; or

(ii) Does not have a policy prohibiting a principal, vice principal, or any other employee of the institution from administering corporal punishment to discipline a student.

(4) This subsection does not apply to an institution operated by a bona fide church organization, including the Amish and Mennonite church parochial schools. However, an institution that does not have a certificate of approval from the State Board may not receive State funds, except that an institution operated by a bona fide church organization is not required to have a certificate to receive State funds for eligible students in the food service program who are enrolled in nursery school through the eighth grade.

(f) (1) If the State Board believes that a noncollegiate educational institution that applies for a certificate of approval does not meet the conditions or standards necessary for the issuance of the certificate, it shall give the institution written notice of the specific deficiencies.

(2) Within 20 days of receipt of a notice of deficiencies, the institution may request a hearing before the Board, and, within 60 days of receipt of the request, the Board shall hold a hearing to determine if the certificate of approval should be issued.

(3) If, within 6 months from the date on which the application for certification was submitted to the State Board, the institution has received neither a certificate of approval under subsection (e) of this section nor written notice of deficiencies under this subsection, it may request, within 20 days, a hearing before the Board to determine if the certificate of approval should be issued.

(g) (1) If the State Board believes that a noncollegiate educational institution does not meet the conditions or standards on which its certificate of approval was based, it shall give the institution written notice of this belief.

(2) The notice shall specify the alleged deficiencies and direct the institution to correct them within a period of not less than 30 days as set by the Board. If the institution requests a hearing within 20 days of the notice, the Board shall hold a hearing to determine the matter.

(3) The order to correct the deficiencies shall be stayed until a determination is made after the hearing.

(h) (1) The State Board may order a noncollegiate educational institution to end operations if the institution fails to correct the specified deficiencies within the period set by the Board and if:

(i) A hearing is not requested; or

(ii) After a hearing, the Board finds that the institution does not meet the conditions or standards.

(2) The order takes effect 15 days after it is issued.

(i) (1) An institution has the right to judicial review of any State Board determination under this section as provided by the Administrative Procedure Act.

(2) The decision of the State Board is presumed correct and proper and the institution has the burden of proving otherwise.

(3) The State Board shall be a party to the proceeding.

(j) A noncollegiate educational institution shall:

(1) Be open for inspection by the State Superintendent or his designee at all reasonable times; and

(2) Furnish the reports and information required by the State Superintendent on the forms provided by the State Superintendent.

(k) (1) Each noncollegiate educational institution that receives notice of a contaminated drinking water supply from the institution's supplier of water, in accordance with § 9–410 of the Environment Article or otherwise, shall send notice of the drinking water contamination to the parent or legal guardian of each student attending the institution.

(2) The notice shall:

(i) Be sent by the institution within 10 business days after receipt of the notice of contamination from the institution's water supplier;

(ii) Be in writing;

(iii) Identify the contaminants and their levels in the institution's water supply; and

(iv) Describe the institution's plan for dealing with the water contamination problem until the institution's water is determined by the appropriate authority to be safe for consumption.

(3) The State Board shall consider an institution's failure to send the notice required under this subsection in determining whether the institution continues to meet the conditions or standards on which the institution's certificate of approval is based.

(l) Each noncollegiate educational institution affiliated with a residential child care program or treatment facility shall comply with the provisions of Title 8, Subtitle 5 of this article.

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