

**BILL:** House Bill 737  
**TITLE:** Alternative Education Options - Right to Learn and Broadening Options and Opportunities for Students Today Programs (Right to Learn Act of 2023)  
**DATE:** February 22, 2023  
**POSITION:** OPPOSE  
**COMMITTEE:** Ways and Means  
**CONTACT:** John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) opposes House Bill 737 to establish the Broadening Options and Opportunities for Students Today (BOOST) private school voucher program within statute and create a new publicly funded private school voucher program with the Maryland State Department of Education (MSDE).

Since 2016, the State Budget has inappropriately provided millions of dollars in special funds from the Cigarette Restitution Fund to fund the BOOST private school voucher program established each year in the Budget Bill. MABE has consistently opposed legislation to further codify the establishment of the BOOST program, and based on the performance of this program and the competing priority of meaningful increases in State aid for public education, requests each year that the program should be removed from the State Budget. In 2016, the State Budget Bill was amended in conference committee to establish the \$5 million BOOST Program to provide vouchers for students who are eligible for the free or reduced-price lunch program to attend eligible nonpublic schools. To be eligible to participate in the BOOST program, a nonpublic school must participate in the Aid to Non-Public Schools Program for textbooks and computers administered by MSDE; and comply with Title VI of the Civil Rights Act of 1964; the State Government Article; and not discriminate in student admissions on the basis of race, color, national origin, or sexual orientation.

MABE does not believe that this legislation is needed to promote parental choice among the many public and non-public schools in the State. Maryland enjoys a wide array of educational opportunities for all of its students, including an outstanding public education system. Within the public school system, charter schools opportunities continue to grow. Outside the public schools, opportunities include parochial and non-sectarian private schools as well as home instruction. Local boards of education appreciate the important role that this mix of public and non-public schools plays throughout the state and in local communities. However, MABE believes that legislation goes too far when it proposes to create a private and parochial school voucher program that would threaten public school funding and public control over the use of public dollars.

Generally, nonpublic schools, including non-sectarian and parochial schools, are not subject to the same legal regulations as public schools, such as special education laws and teacher certification regulations. A limited but notable exception is the array of State-funded nonpublic special education schools serving public school students. However, the vast majority of nonpublic school programs are not linked to State or federal student performance accountability measures, or special education provisions of the federal Individuals with Disabilities Education Act (IDEA). In addition, many nonpublic schools instruct their students in particular religions, a practice that is unconstitutional in public schools and which public funds may not directly support.

MABE continues to oppose the establishment of the BOOST program and this form of mandated expansion of the State's direct public funding of private and parochial education. For these reasons, MABE requests an unfavorable report on House Bill 737.