

**BILL:** Senate Bill 401  
**TITLE:** Operating Budget - Funding - Scholarships for Nonpublic School Students  
**DATE:** February 9, 2022  
**POSITION:** OPPOSE  
**COMMITTEE:** Budget and Taxation  
**CONTACT:** John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) opposes Senate Bill 401 to establish the Broadening Options and Opportunities for Students Today (BOOST) private school voucher program within the Maryland State Budget as a mandated annual appropriation of \$10 million beginning in fiscal year (FY) 2024 and increasing to \$16 million in FY 2027 and beyond.

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.

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 as a mandated expansion of the State's direct public funding of private and parochial education.

For these reasons, MABE requests an unfavorable report on Senate Bill 401.