

(2) it has in operation and effect a nondiscriminatory enrollment policy, whereby any student would be eligible for admission and actually admitted, subject only to space limitations; provided, however, that a school shall not be ineligible for participation in the program because it gives enrollment preference to students already enrolled in the school;

(3) all tuition and miscellaneous charges payable by students are uniform for all students; provided, however, that a school shall not be ineligible for participation in the program because it offers separate bona fide scholarships. If a school does offer separate scholarships, it shall satisfy the Superintendent that such separate scholarships are not for the purpose and do not have the substantial effect of avoiding the requirements of nondiscriminatory enrollment policy; and

(4) it would provide effective assistance to parents applying for scholarships in completing the applications to the Board and in otherwise complying with the requirements of the program.

(b) The State Board of Education shall adopt appropriate rules for the guidance of the Superintendent with respect to the criteria for participation set forth herein;

(c) Any nonpublic school desiring to participate in the program shall make application for approval to the Superintendent and shall supply such information as may enable the Superintendent in accordance with rules promulgated by the State Board of Education, to determine whether the criteria for participation are satisfied.

(d) The Superintendent shall, in accordance with rules adopted by the State Board of Education, make such periodic determinations of continued compliance with the criteria for participation as he may deem appropriate; and in the event that, after notice and opportunity to be heard, he shall find that an approved nonpublic school is not in compliance with said criteria he shall withdraw his approval, upon which the said school shall no longer be eligible for participation in the program; provided, however, that, where the Superintendent deems it appropriate, he may allow the school a reasonable time in which to effect compliance before withdrawing approval.

(e) In any case where the Superintendent denies or withdraws approval for participation in the program, the affected school shall have the right of appeal to the State Board of Education. In any such appeal, the school shall have the burden of establishing that the decision of the Superintendent was in error.

(f) Assistance under the program shall be available only with respect to children in grades 1-12, or the equivalent thereof, in schools offering a general educational program, as determined by the Superintendent.

217. Funding of Program.

Each year the Board shall estimate the amount needed to fund the program for THE ensuing fiscal year, and shall submit the estimate to the officials charged with preparing the Executive Budget.

218. Amount of Scholarships.

Subject to the provisions of Section 220 of this article, the amount of scholarship which may be awarded to any child under the program shall be the lesser of