

Chapter 468

(Senate Bill 64)

AN ACT concerning

Children in Need of Assistance – Educational Stability

FOR the purpose of requiring the juvenile court to inquire as to the educational stability of a child at certain hearings and proceedings; authorizing the juvenile court to consider certain factors in determining the educational stability of a child; defining a certain term; and generally relating to children in need of assistance and educational stability.

BY adding to

Article – Courts and Judicial Proceedings

Section 3–816.4

Annotated Code of Maryland

(2013 Replacement Volume and 2013 Supplement)

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

Article – Courts and Judicial Proceedings

3–816.4.

(A) IN THIS SECTION, “EDUCATIONAL STABILITY” MEANS THE CONTINUOUS PROCESS OF IDENTIFYING AND IMPLEMENTING THE APPROPRIATE EDUCATIONAL PLACEMENT, TRAINING, RESOURCES, SERVICES, AND EXPERIENCES THAT WILL ADDRESS THE FUNDAMENTAL NEEDS NECESSARY TO ENSURE THE SUCCESSFUL EDUCATIONAL OUTCOME OF A CHILD AND CONTRIBUTE TO THE CHILD’S OVERALL WELL-BEING.

(B) THE COURT SHALL INQUIRE AS TO THE EDUCATIONAL STABILITY OF A CHILD AT A SHELTER CARE HEARING, ADJUDICATORY HEARING, DISPOSITION HEARING, AND ANY CHANGE OF PLACEMENT PROCEEDING.

(C) IN DETERMINING THE EDUCATIONAL STABILITY OF A CHILD UNDER THIS SECTION, THE COURT MAY CONSIDER THE FOLLOWING FACTORS:

(1) THE APPROPRIATENESS OF THE CHILD’S CURRENT SCHOOL PLACEMENT;

- (2) THE SCHOOL PLACEMENT OF THE CHILD’S SIBLINGS;**
- (3) THE MINIMIZATION OF SCHOOL CHANGES;**
- (4) THE PROXIMITY OF THE SCHOOL TO THE CHILD’S PLACEMENT;**
- (5) TRANSPORTATION TO AND FROM SCHOOL;**
- (6) THE PROPER RELEASE AND PROMPT TRANSFER OF THE CHILD’S EDUCATION RECORDS;**
- (7) THE CHILD’S SCHOOL ATTENDANCE;**
- (8) THE IDENTIFICATION OF AND CONSULTATION WITH THE CHILD’S EDUCATIONAL GUARDIAN;**
- (9) THE MAINTENANCE OF ANY INDIVIDUAL EDUCATION PLAN (IEP); AND**
- (10) THE CHILD’S APPROPRIATE GRADE LEVEL PROGRESS OR PROGRESS TOWARD GRADUATION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, May 15, 2014.