

Chapter 467

(Senate Bill 127)

AN ACT concerning

Education – Public School Attendance – Homeless Children

FOR the purpose of repealing a provision of law requiring a county superintendent of schools to allow a certain child not subject to certain educational stability provisions of the federal McKinney–Vento Homeless Assistance Act to attend school in the county even if the child is not currently domiciled in that county; updating certain provisions of law to include references to the educational stability provisions of the Every Student Succeeds Act; and generally relating to homeless children and public school attendance.

BY repealing and reenacting, with amendments,
 Article – Education
 Section 7–101(b)
 Annotated Code of Maryland
 (2018 Replacement Volume and 2018 Supplement)

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

Article – Education

7–101.

(b) (1) Except as provided in § 7–301 of this title and in paragraph (2) of this subsection, each child shall attend a public school in the county where the child is domiciled with the child’s parent, guardian, or relative providing informal kinship care, as defined in subsection (c) of this section.

(2) (i) Upon request and in accordance with a county board’s policies concerning residency, a county superintendent may allow a child to attend school in the county even if the child is not domiciled in that county with the child’s parent or guardian.

(ii) Regardless of where the child is currently domiciled, a county superintendent shall allow a child to remain at the school that the child is attending, if:

1. The child is a child who is:

A. In the custody of, committed to, or otherwise placed by a local department of social services or the Department of Juvenile Services; and

B. Subject to the educational stability provisions of the

federal Fostering Connections to Success and Increasing Adoptions Act of 2008 **AND THE EVERY STUDENT SUCCEEDS ACT OF 2015**;

2. [The child is not subject to the educational stability provisions of the federal McKinney–Vento Homeless Assistance Act as a child awaiting foster care placement as defined by the Department in regulation;

3.] The child is not in any of the following placements:

A. A detention facility;

B. A forestry camp;

C. A training school;

D. A State–owned and State–operated facility that accommodates more than 25 children; or

E. Any other facility operated primarily for the detention of children who are determined to be delinquent;

[4.] 3. The local department of social services or the Department of Juvenile Services determines, in consultation with the local school system, that it is in the best interests of the child to continue at that school; and

[5.] 4. The local department of social services or the Department of Juvenile Services pays for the cost of transporting the child to and from school.

(iii) 1. The Department of Human Services and the Department of Juvenile Services each shall adopt regulations establishing factors that shall be considered in determining the best interests of a child under this section.

2. The Department shall adopt regulations to implement the educational stability provisions of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 **AND THE EVERY STUDENT SUCCEEDS ACT OF 2015**.

(3) If a child fraudulently attends a public school in a county where the child is not domiciled with the child’s parent or guardian, the child’s parent or guardian shall be subject to a penalty payable to the county for the pro rata share of tuition for the time the child fraudulently attends a public school in the county.

(4) Nothing in this section alters the requirements for out–of–county placements contained in § 4–122 and Title 8, Subtitles 3, 3A, and 4 of this article or in any other State or federal law.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, May 13, 2019.