

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 400
Ways and Means

(Delegate Boyce)

Education, Health, and Environmental Affairs

Public Schools – Enrollment Location – Continuity

This bill prohibits a child who is a juvenile placed in the custody of specified detention entities from being disenrolled from a public school that the child is attending until after the disposition of the child’s juvenile case. The public school in which the child is enrolled must provide the Maryland State Department of Education (MSDE) with the educational materials necessary for the child to remain current with the child’s educational program while in custody. MSDE must develop an education plan for every child who is detained for more than four weeks. In consultation with local boards of education, MSDE must develop and implement specified procedures relating to (1) the transfer of a child’s educational records from the public school to the facility where a child is placed and (2) the child’s re-enrollment in the public school before the child is released from the facility. **The bill takes effect July 1, 2021.**

Fiscal Summary

State Effect: Student enrollment in State-operated facilities is not substantially impacted and, therefore, is not anticipated to materially affect State finances. MSDE can likely implement the bill’s requirements with existing budgeted resources, as explained below.

Local Effect: Student enrollment in local public school systems is not substantially impacted and, therefore, is not anticipated to materially affect local finances. School systems can implement the bill’s requirements with existing resources.

Small Business Effect: None.

Analysis

Bill Summary: The bill also repeals the exemption of children placed in a forestry camp or a training school from the requirement that a local superintendent must allow a child to remain at the school the child is attending, regardless of where the child is currently domiciled, thereby allowing students in those facilities to remain enrolled in the school they are attending.

Current Law: In general, each child must attend a public school in the county where the child is domiciled with his or her parent, guardian, or relative providing informal kinship care. Upon request and in accordance with a local board's policies concerning residency, a local 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. Unique hardship circumstances, childcare needs, programming purposes, and relief of school overcrowding are among the local exceptions to required pupil attendance within designated attendance areas. Under Chapters 224 and 225 of 2020, a local superintendent must allow a dependent child of an active duty service member who is relocating to the State on military orders to apply for enrollment in a public school in the same manner and at the same time as individuals who reside in the county.

In addition, there are certain circumstances when a local superintendent must, according to State law, allow a child to remain at the school that the child is attending regardless of where the child is domiciled. Specifically, a child who is in the custody of, committed to, or otherwise placed by a local department of social services or the Department of Juvenile Services (DJS) and is subject to specified federal educational stability provisions must be allowed to remain at the school the child is attending, regardless of where the child is domiciled. This requirement applies only if the local department of social services or DJS determines, in consultation with the local school system, that it is in the best interests of the child to continue at the school.

This requirement, to allow a child to remain at the school that the child is attending regardless of where the child is domiciled, does not apply to a child who is in any of the following placements:

- a detention facility;
- a forestry camp;
- a training school;
- any State owned and operated facility accommodating more than 25 children; or
- any other facility operated primarily for the purpose of detaining children who are determined to be delinquent.

State Expenditures: Based on the average length of stay for children awaiting juvenile court disposition in fiscal 2020 being approximately three weeks – considerably less than the four-week threshold under the bill, this analysis assumes that MSDE can implement the bill with existing resources, including facilitating the transfer of educational records and provision of educational materials. To the extent the bill is interpreted to require MSDE to develop educational plans for juveniles *after* the disposition of the case, but while children are awaiting placement, expenditures increase for MSDE. The actual cost will depend on the number of juveniles who are detained for more than four weeks each year, which is not known at this time. For illustrative purposes, a half-time educational specialist with benefits costs approximately \$50,000 in fiscal 2022.

Additional Information

Prior Introductions: HB 1188 of 2020 passed the House with amendments and was referred to the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

Designated Cross File: None.

Information Source(s): Maryland State Department of Education; Maryland Department of Health; Department of Human Services; Department of Juvenile Services; Baltimore City Public Schools; Anne Arundel County Public Schools; Montgomery County Public Schools; Wicomico County Public Schools; St. Mary's County Public Schools; Department of Legislative Services

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Analysis by: Scott P. Gates

Direct Inquiries to:
(410) 946-5510
(301) 970-5510