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Introduced and read first time: January 31, 1997

Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **Education - Homeless Children**

3 FOR the purpose of allowing a homeless child to continue to attend the school in which  
4 the child was previously enrolled, even if the child's current place of abode would  
5 not otherwise allow attendance at the school; providing transportation for certain  
6 homeless children to and from school during the regular school year; prohibiting a  
7 school from denying enrollment to a homeless child solely because the child is  
8 unable to produce certain records; establishing a Homeless Children Committee in  
9 the Maryland Department of Education; providing a penalty for falsifying certain  
10 information; and generally relating to the accessibility of education to homeless  
11 children.

12 BY adding to

13 Article - Education  
14 Section 8-501 through 8-508, inclusive, to be under the new subtitle "Subtitle 5.  
15 Homeless Children"  
16 Annotated Code of Maryland  
17 (1997 Replacement Volume)

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

20 **Article - Education**

21 **SUBTITLE 5. HOMELESS CHILDREN.**

22 8-501.

23 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
24 INDICATED.

25 (B) "HOMELESS CHILD" MEANS:

26 (1) A SCHOOL-AGE CHILD WHO IS ELIGIBLE TO ATTEND MARYLAND  
27 PUBLIC SCHOOLS INCLUDING HEAD START, SPECIAL EDUCATION, OR ANY OTHER

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1 EDUCATIONAL PROGRAMS AND WHO LACKS A FIXED, REGULAR, AND ADEQUATE  
2 NIGHTTIME PLACE OF ABODE; OR

3 (2) A SCHOOL-AGE CHILD WHO HAS A PRIMARY NIGHTTIME PLACE OF  
4 ABODE THAT IS:

5 (I) A SUPERVISED PUBLICLY OR PRIVATELY OPERATED SHELTER  
6 DESIGNED TO PROVIDE TEMPORARY LIVING ACCOMMODATIONS, INCLUDING  
7 RESIDENTIAL PROGRAMS FOR RUNAWAY AND HOMELESS YOUTH, HOTELS AND  
8 MOTELS, SHELTERS, AND TRANSITIONAL HOUSING;

9 (II) AN INSTITUTION THAT PROVIDES A TEMPORARY RESIDENCE  
10 FOR INDIVIDUALS INTENDED TO BE INSTITUTIONALIZED; OR

11 (III) A PUBLIC OR PRIVATE PLACE NOT DESIGNED FOR OR  
12 ORDINARILY USED AS A REGULAR SLEEPING ACCOMMODATION FOR HUMAN  
13 BEINGS.

14 (C) "PARENT" OR "GUARDIAN" MEANS:

15 (1) THE PARENT OR PERSON HAVING LEGAL OR LAWFUL PHYSICAL  
16 CUSTODY OF A CHILD;

17 (2) THE DIRECTOR OF A RESIDENTIAL PROGRAM FOR RUNAWAY AND  
18 HOMELESS YOUTH, IN CONSULTATION WITH THE HOMELESS CHILD, WHERE SUCH  
19 HOMELESS CHILD IS LIVING IN SUCH A PROGRAM; OR

20 (3) THE HOMELESS CHILD IF THE CHILD IS OVER THE AGE OF 16 AND NO  
21 PARENT OR GUARDIAN IS AVAILABLE.

22 (D) "SCHOOL OF ORIGIN" MEANS:

23 (1) THE SCHOOL THAT THE CHILD ATTENDED BEFORE THE CHILD  
24 BECAME HOMELESS; OR

25 (2) THE SCHOOL IN WHICH THE HOMELESS CHILD WAS LAST  
26 ENROLLED.

27 8-502.

28 (A) WHEN ANY SCHOOL PERSONNEL HAS REASON TO SUSPECT THAT A CHILD  
29 HAS BECOME HOMELESS OR RECEIVES INFORMATION THAT A HOMELESS CHILD  
30 HAS CHANGED HIS OR HER TEMPORARY LIVING ARRANGEMENTS, THE SCHOOL  
31 MUST IMMEDIATELY INFORM THE PARENT OR GUARDIAN AND CHILD THAT THEY  
32 HAVE THE OPTION OF EITHER:

33 (1) CONTINUING THE CHILD'S EDUCATION IN THE CHILD'S SCHOOL OF  
34 ORIGIN; OR

35 (2) ENROLLING THE CHILD IN ANY OTHER SCHOOL THAT  
36 NONHOMELESS STUDENTS IN THE ATTENDANCE AREA OF THE TEMPORARY ABODE  
37 ARE ELIGIBLE TO ATTEND.

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1 (B) IT SHALL BE PRESUMED THAT THE SCHOOL SELECTED BY THE PARENT  
2 OR GUARDIAN IS IN THE BEST INTEREST OF THE CHILD.

3 (C) IF THE PARENT OR GUARDIAN DOES NOT HAVE A PREFERENCE, IT SHALL  
4 BE PRESUMED THAT THE SCHOOL OF ORIGIN IS IN THE BEST INTEREST OF THE  
5 CHILD.

6 (D) (1) IF THE TRAVEL TIME TO THE SCHOOL EXCEEDS 1 HOUR ONE WAY,  
7 THE PARENT OR GUARDIAN, A TEACHER OF THE CHILD, THE PRINCIPAL OR THE  
8 PRINCIPAL'S DESIGNEE FROM THE SCHOOL OF ORIGIN, AND THE LOCAL  
9 SUPERINTENDENT OR THE SUPERINTENDENT'S DESIGNEE MAY MEET AT THE  
10 REQUEST OF THE PARENT OR GUARDIAN OR THE SCHOOL TO EVALUATE WHETHER  
11 THE TRAVEL TO THE SCHOOL OF ORIGIN IS IN THE BEST INTEREST OF THE CHILD AS  
12 COMPARED TO ATTENDING THE SCHOOL NEAREST TO THE CHILD'S TEMPORARY  
13 ABODE.

14 (2) THE STATE DEPARTMENT OF EDUCATION SHALL DEVELOP  
15 GUIDELINES FOR DETERMINING THE BEST INTEREST OF THE CHILD IN THE  
16 CIRCUMSTANCES DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

17 (3) A PARENT OR GUARDIAN MAY BRING A REPRESENTATIVE OF THE  
18 PARENT'S OR GUARDIAN'S CHOICE TO THE MEETING.

19 8-503.

20 (A) (1) IF THE PARENT OR GUARDIAN CHOOSES THE SCHOOL OF ORIGIN,  
21 THE SCHOOL OF ORIGIN MUST INFORM THE PARENT OR GUARDIAN AND HOMELESS  
22 CHILD THAT TRANSPORTATION SERVICES ARE AVAILABLE TO THE SCHOOL OF  
23 ORIGIN IF NEEDED.

24 (2) IF THE PARENT OR GUARDIAN OF A HOMELESS CHILD WHO  
25 CONTINUES TO ATTEND THE SCHOOL OF ORIGIN STATES THAT THE PARENT OR  
26 GUARDIAN IS UNABLE TO PROVIDE OR ARRANGE FOR TRANSPORTATION OF THE  
27 CHILD TO AND FROM THE SCHOOL OF ORIGIN, TRANSPORTATION SHALL BE  
28 PROVIDED IN ACCORDANCE WITH THIS SECTION.

29 (B) IF THE HOMELESS CHILD CONTINUES TO LIVE IN THE COUNTY IN WHICH  
30 THE SCHOOL OF ORIGIN IS LOCATED, THE CHILD'S TRANSPORTATION TO AND FROM  
31 THE SCHOOL OF ORIGIN SHALL BE PROVIDED OR ARRANGED BY THAT COUNTY  
32 BOARD; AND

33 (C) IF THE PLACE OF ABODE OF THE HOMELESS CHILD IS IN A COUNTY  
34 OTHER THAN THAT IN WHICH THE SCHOOL OF ORIGIN IS LOCATED, THE  
35 RESPONSIBILITY AND COSTS FOR TRANSPORTATION TO THE SCHOOL OF ORIGIN  
36 SHALL BE SHARED EQUALLY. ANY TUITION SHALL BE WAIVED.

37 8-504.

38 (A) A HOMELESS CHILD MAY NOT BE DENIED ENROLLMENT IN A SCHOOL  
39 SOLELY BECAUSE THE CHILD CANNOT PRODUCE RECORDS NORMALLY REQUIRED  
40 INCLUDING IMMUNIZATION RECORDS.

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1 (B) WHEN A PERSON PRESENTS A HOMELESS CHILD FOR ENROLLMENT, THE  
2 SCHOOL SHALL IMMEDIATELY:

3 (1) ADMIT THE HOMELESS CHILD; AND

4 (2) TREAT THE HOMELESS CHILD AS A RESIDENT FOR ALL PURPOSES.

5 (C) THE PARENT OF A HOMELESS CHILD SHOULD BE REQUIRED BY THE  
6 COUNTY BOARD OF THE ENROLLING SCHOOL TO PRODUCE THE NAME AND  
7 LOCATION OF THE TEMPORARY LIVING ARRANGEMENT OR CONTACT  
8 INFORMATION.

9 (D) IT IS THE DUTY OF THE ENROLLING SCHOOL TO CONTACT THE SCHOOL  
10 OF ORIGIN TO OBTAIN RELEVANT RECORDS WITHIN 5 SCHOOL DAYS OF THE  
11 ENROLLMENT OF THE HOMELESS CHILD.

12 (E) IF THE CHILD'S IMMUNIZATION RECORDS ARE NOT AVAILABLE, WITHIN 5  
13 SCHOOL DAYS, THE ENROLLING SCHOOL SHALL REFER THE HOMELESS CHILD TO  
14 AN APPROPRIATE CLINIC, DOCTOR, OR AGENCY TO RECEIVE THE NECESSARY  
15 IMMUNIZATIONS.

16 8-505.

17 (A) IF A DISPUTE ARISES REGARDING THE ENROLLMENT OR  
18 TRANSPORTATION OF A HOMELESS STUDENT, THE CHILD SHALL BE IMMEDIATELY  
19 ENROLLED OR TRANSPORTED TO THE SCHOOL CHOSEN BY THE PARENT OR  
20 GUARDIAN PURSUANT TO § 8-502 OF THIS SUBTITLE UNTIL FINAL RESOLUTION OF  
21 THE DISPUTE.

22 (B) (1) ANY PARENT OR GUARDIAN ALLEGING THE ABRIDGEMENT OF THE  
23 EDUCATIONAL RIGHTS OF HOMELESS CHILDREN OR YOUTH UNDER THIS SUBTITLE  
24 OR THE FEDERAL STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT MAY  
25 INITIATE A GRIEVANCE AT THE SCHOOL WHICH HAS ALLEGEDLY DENIED  
26 ENROLLMENT OR TRANSPORTATION SERVICES OR OTHERWISE VIOLATED THIS  
27 SUBTITLE.

28 (2) THE PRINCIPAL OF THAT SCHOOL OR THE PRINCIPAL'S DESIGNEE  
29 SHALL ATTEMPT TO RESOLVE THE DISPUTE BY THE END OF THE NEXT SCHOOL DAY.

30 (C) IF THE PRINCIPAL IS UNABLE TO RESOLVE THE DISPUTE TO THE  
31 SATISFACTION OF THE PARENT OR GUARDIAN, IT SHALL BE REFERRED  
32 IMMEDIATELY TO THE SUPERINTENDENT OF SCHOOLS FOR THAT COUNTY. THE  
33 SUPERINTENDENT OF SCHOOLS FOR THAT COUNTY OR THE SUPERINTENDENT'S  
34 REPRESENTATIVE SHALL REVIEW THE ISSUES AND RESOLVE THE DISPUTE WITHIN 5  
35 SCHOOL DAYS.

36 (D) (1) THE PARENT OR GUARDIAN OF A HOMELESS CHILD MAY FILE A  
37 CIVIL ACTION FOR VIOLATIONS OF THIS SUBTITLE.

38 (2) IN ANY CIVIL ACTION, A PARTY WHOSE RIGHTS UNDER THIS  
39 SUBTITLE ARE FOUND TO HAVE BEEN VIOLATED SHALL BE ENTITLED TO RECOVER  
40 REASONABLE ATTORNEY'S FEES AND COSTS.

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1 8-506.

2 (A) THERE IS A HOMELESS CHILDREN COMMITTEE IN THE DEPARTMENT,  
3 CONSISTING OF 14 MEMBERS.

4 (B) (1) THE STATE SUPERINTENDENT, AFTER CONSULTATION WITH  
5 ADVOCATES FOR THE HOMELESS AND PRIVATE NONPROFIT ORGANIZATIONS THAT  
6 ADVOCATE AN END TO HOMELESSNESS, SHALL APPOINT 12 MEMBERS AS FOLLOWS:

7 (I) FOUR SHALL BE HOMELESS OR FORMERLY HOMELESS  
8 PARENTS OF SCHOOL-AGE CHILDREN;

9 (II) FOUR SHALL BE PROVIDERS TO AND ADVOCATES FOR  
10 HOMELESS PERSONS; AND

11 (III) FOUR SHALL BE SCHOOL PERSONNEL FROM DIFFERENT  
12 GEOGRAPHIC REGIONS OF THE STATE.

13 (2) (I) ONE SHALL BE A MEMBER OF THE SENATE OF MARYLAND,  
14 APPOINTED BY THE PRESIDENT OF THE SENATE.

15 (II) ONE SHALL BE A MEMBER OF THE HOUSE OF DELEGATES,  
16 APPOINTED BY THE SPEAKER OF THE HOUSE.

17 (C) THE COMMITTEE SHALL:

18 (1) ADVISE THE STATE BOARD OF EDUCATION ON MATTERS  
19 CONCERNING THE EDUCATION OF HOMELESS CHILDREN; AND

20 (2) STUDY AND MAKE RECOMMENDATIONS IN THE FORM OF AN  
21 ANNUAL REPORT TO THE STATE BOARD ON MATTERS CONCERNING THE  
22 EDUCATION OF HOMELESS CHILDREN.

23 8-507.

24 (A) THIS SUBTITLE DOES NOT AFFECT THE REQUIREMENTS OF COUNTY  
25 SCHOOL SYSTEMS AND THE MARYLAND DEPARTMENT OF EDUCATION UNDER THE  
26 FEDERAL STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.

27 (B) THE MARYLAND STATE DEPARTMENT OF EDUCATION REMAINS  
28 RESPONSIBLE FOR DEVELOPING PROCEDURES, GUIDELINES, AND A MONITORING  
29 PROCESS TO ENSURE THAT COUNTY SCHOOL SYSTEMS COMPLY WITH THE  
30 REQUIREMENTS OF THIS SUBTITLE AND WITH THE MCKINNEY ACT.

31 8-508.

32 (A) A PERSON MAY NOT KNOWINGLY OR WILLFULLY PRESENT TO A COUNTY  
33 BOARD FALSE INFORMATION REGARDING THE HOMELESSNESS OF ANY CHILD OR  
34 FAMILY FOR THE PURPOSE OF ENABLING THAT CHILD TO ATTEND A SCHOOL  
35 OTHER THAN THE SCHOOL THAT THE CHILD IS OTHERWISE ENTITLED TO ATTEND.

36 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
37 AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500 OR  
38 IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

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1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 July 1, 1997.