
By: Delegates Petzold, Barve, Watson, Hecht, Kirk, DeCarlo, Parker, Nathan-Pulliam, Marriott, Rawlings, Cryor, Rosapepe, C. Davis, Goldwater, Boston, R. Baker, and Hurson

Introduced and read first time: January 31, 1997

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 1997

CHAPTER _____

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 FOR the purpose of establishing a task force to study and make recommendations on
13 the education of homeless children in the State, including the implementation of the
14 requirements of federal laws regarding the education of homeless children and
15 youth, and the funding of educational initiatives for homeless children and youth;
16 providing for the membership of the task force; providing for the staffing of the task
17 force; requiring a report by a certain date; and generally relating to the Task Force
18 on the Education of Homeless Children and Youth in Maryland.

19 ~~BY adding to~~

20 ~~Article — Education~~

21 ~~Section 8-501 through 8-508, inclusive, to be under the new subtitle "Subtitle 5-~~

22 ~~Homeless Children"~~

23 ~~Annotated Code of Maryland~~

24 ~~(1997 Replacement Volume)~~

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

3 ~~**Article—Education**~~

4 ~~SUBTITLE 5. HOMELESS CHILDREN.~~

5 ~~§ 501.~~

6 ~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS~~
7 ~~INDICATED.~~

8 ~~(B) "HOMELESS CHILD" MEANS:~~

9 ~~(1) A SCHOOL AGE CHILD WHO IS ELIGIBLE TO ATTEND MARYLAND~~
10 ~~PUBLIC SCHOOLS INCLUDING HEAD START, SPECIAL EDUCATION, OR ANY OTHER~~
11 ~~EDUCATIONAL PROGRAMS AND WHO LACKS A FIXED, REGULAR, AND ADEQUATE~~
12 ~~NIGHTTIME PLACE OF ABODE; OR~~

13 ~~(2) A SCHOOL AGE CHILD WHO HAS A PRIMARY NIGHTTIME PLACE OF~~
14 ~~ABODE THAT IS:~~

15 ~~(I) A SUPERVISED PUBLICLY OR PRIVATELY OPERATED SHELTER~~
16 ~~DESIGNED TO PROVIDE TEMPORARY LIVING ACCOMMODATIONS, INCLUDING~~
17 ~~RESIDENTIAL PROGRAMS FOR RUNAWAY AND HOMELESS YOUTH, HOTELS AND~~
18 ~~MOTELS, SHELTERS, AND TRANSITIONAL HOUSING;~~

19 ~~(II) AN INSTITUTION THAT PROVIDES A TEMPORARY RESIDENCE~~
20 ~~FOR INDIVIDUALS INTENDED TO BE INSTITUTIONALIZED; OR~~

21 ~~(III) A PUBLIC OR PRIVATE PLACE NOT DESIGNED FOR OR~~
22 ~~ORDINARILY USED AS A REGULAR SLEEPING ACCOMMODATION FOR HUMAN~~
23 ~~BEINGS.~~

24 ~~(C) "PARENT" OR "GUARDIAN" MEANS:~~

25 ~~(1) THE PARENT OR PERSON HAVING LEGAL OR LAWFUL PHYSICAL~~
26 ~~CUSTODY OF A CHILD;~~

27 ~~(2) THE DIRECTOR OF A RESIDENTIAL PROGRAM FOR RUNAWAY AND~~
28 ~~HOMELESS YOUTH, IN CONSULTATION WITH THE HOMELESS CHILD, WHERE SUCH~~
29 ~~HOMELESS CHILD IS LIVING IN SUCH A PROGRAM; OR~~

30 ~~(3) THE HOMELESS CHILD IF THE CHILD IS OVER THE AGE OF 16 AND NO~~
31 ~~PARENT OR GUARDIAN IS AVAILABLE.~~

32 ~~(D) "SCHOOL OF ORIGIN" MEANS:~~

33 ~~(1) THE SCHOOL THAT THE CHILD ATTENDED BEFORE THE CHILD~~
34 ~~BECAME HOMELESS; OR~~

35 ~~(2) THE SCHOOL IN WHICH THE HOMELESS CHILD WAS LAST~~
36 ~~ENROLLED.~~

1 ~~8-502.~~

2 ~~(A) WHEN ANY SCHOOL PERSONNEL HAS REASON TO SUSPECT THAT A CHILD~~
3 ~~HAS BECOME HOMELESS OR RECEIVES INFORMATION THAT A HOMELESS CHILD~~
4 ~~HAS CHANGED HIS OR HER TEMPORARY LIVING ARRANGEMENTS, THE SCHOOL~~
5 ~~MUST IMMEDIATELY INFORM THE PARENT OR GUARDIAN AND CHILD THAT THEY~~
6 ~~HAVE THE OPTION OF EITHER:~~

7 ~~(1) CONTINUING THE CHILD'S EDUCATION IN THE CHILD'S SCHOOL OF~~
8 ~~ORIGIN; OR~~

9 ~~(2) ENROLLING THE CHILD IN ANY OTHER SCHOOL THAT~~
10 ~~NONHOMELESS STUDENTS IN THE ATTENDANCE AREA OF THE TEMPORARY ABODE~~
11 ~~ARE ELIGIBLE TO ATTEND.~~

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

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

17 ~~(D) (1) IF THE TRAVEL TIME TO THE SCHOOL EXCEEDS 1 HOUR ONE WAY,~~
18 ~~THE PARENT OR GUARDIAN, A TEACHER OF THE CHILD, THE PRINCIPAL OR THE~~
19 ~~PRINCIPAL'S DESIGNEE FROM THE SCHOOL OF ORIGIN, AND THE LOCAL~~
20 ~~SUPERINTENDENT OR THE SUPERINTENDENT'S DESIGNEE MAY MEET AT THE~~
21 ~~REQUEST OF THE PARENT OR GUARDIAN OR THE SCHOOL TO EVALUATE WHETHER~~
22 ~~THE TRAVEL TO THE SCHOOL OF ORIGIN IS IN THE BEST INTEREST OF THE CHILD AS~~
23 ~~COMPARED TO ATTENDING THE SCHOOL NEAREST TO THE CHILD'S TEMPORARY~~
24 ~~ABODE.~~

25 ~~(2) THE STATE DEPARTMENT OF EDUCATION SHALL DEVELOP~~
26 ~~GUIDELINES FOR DETERMINING THE BEST INTEREST OF THE CHILD IN THE~~
27 ~~CIRCUMSTANCES DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.~~

28 ~~(3) A PARENT OR GUARDIAN MAY BRING A REPRESENTATIVE OF THE~~
29 ~~PARENT'S OR GUARDIAN'S CHOICE TO THE MEETING.~~

30 ~~8-503.~~

31 ~~(A) (1) IF THE PARENT OR GUARDIAN CHOOSES THE SCHOOL OF ORIGIN,~~
32 ~~THE SCHOOL OF ORIGIN MUST INFORM THE PARENT OR GUARDIAN AND HOMELESS~~
33 ~~CHILD THAT TRANSPORTATION SERVICES ARE AVAILABLE TO THE SCHOOL OF~~
34 ~~ORIGIN IF NEEDED.~~

35 ~~(2) IF THE PARENT OR GUARDIAN OF A HOMELESS CHILD WHO~~
36 ~~CONTINUES TO ATTEND THE SCHOOL OF ORIGIN STATES THAT THE PARENT OR~~
37 ~~GUARDIAN IS UNABLE TO PROVIDE OR ARRANGE FOR TRANSPORTATION OF THE~~
38 ~~CHILD TO AND FROM THE SCHOOL OF ORIGIN, TRANSPORTATION SHALL BE~~
39 ~~PROVIDED IN ACCORDANCE WITH THIS SECTION.~~

40 ~~(B) IF THE HOMELESS CHILD CONTINUES TO LIVE IN THE COUNTY IN WHICH~~
41 ~~THE SCHOOL OF ORIGIN IS LOCATED, THE CHILD'S TRANSPORTATION TO AND FROM~~

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1 ~~THE SCHOOL OF ORIGIN SHALL BE PROVIDED OR ARRANGED BY THAT COUNTY~~
2 ~~BOARD; AND~~

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

7 ~~8-504.~~

8 ~~(A) A HOMELESS CHILD MAY NOT BE DENIED ENROLLMENT IN A SCHOOL~~
9 ~~SOLELY BECAUSE THE CHILD CANNOT PRODUCE RECORDS NORMALLY REQUIRED~~
10 ~~INCLUDING IMMUNIZATION RECORDS.~~

11 ~~(B) WHEN A PERSON PRESENTS A HOMELESS CHILD FOR ENROLLMENT, THE~~
12 ~~SCHOOL SHALL IMMEDIATELY:~~

13 ~~(1) ADMIT THE HOMELESS CHILD; AND~~

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

15 ~~(C) THE PARENT OF A HOMELESS CHILD SHOULD BE REQUIRED BY THE~~
16 ~~COUNTY BOARD OF THE ENROLLING SCHOOL TO PRODUCE THE NAME AND~~
17 ~~LOCATION OF THE TEMPORARY LIVING ARRANGEMENT OR CONTACT~~
18 ~~INFORMATION.~~

19 ~~(D) IT IS THE DUTY OF THE ENROLLING SCHOOL TO CONTACT THE SCHOOL~~
20 ~~OF ORIGIN TO OBTAIN RELEVANT RECORDS WITHIN 5 SCHOOL DAYS OF THE~~
21 ~~ENROLLMENT OF THE HOMELESS CHILD.~~

22 ~~(E) IF THE CHILD'S IMMUNIZATION RECORDS ARE NOT AVAILABLE, WITHIN 5~~
23 ~~SCHOOL DAYS, THE ENROLLING SCHOOL SHALL REFER THE HOMELESS CHILD TO~~
24 ~~AN APPROPRIATE CLINIC, DOCTOR, OR AGENCY TO RECEIVE THE NECESSARY~~
25 ~~IMMUNIZATIONS.~~

26 ~~8-505.~~

27 ~~(A) IF A DISPUTE ARISES REGARDING THE ENROLLMENT OR~~
28 ~~TRANSPORTATION OF A HOMELESS STUDENT, THE CHILD SHALL BE IMMEDIATELY~~
29 ~~ENROLLED OR TRANSPORTED TO THE SCHOOL CHOSEN BY THE PARENT OR~~
30 ~~GUARDIAN PURSUANT TO § 8-502 OF THIS SUBTITLE UNTIL FINAL RESOLUTION OF~~
31 ~~THE DISPUTE.~~

32 ~~(B) (1) ANY PARENT OR GUARDIAN ALLEGING THE ABRIDGEMENT OF THE~~
33 ~~EDUCATIONAL RIGHTS OF HOMELESS CHILDREN OR YOUTH UNDER THIS SUBTITLE~~
34 ~~OR THE FEDERAL STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT MAY~~
35 ~~INITIATE A GRIEVANCE AT THE SCHOOL WHICH HAS ALLEGEDLY DENIED~~
36 ~~ENROLLMENT OR TRANSPORTATION SERVICES OR OTHERWISE VIOLATED THIS~~
37 ~~SUBTITLE.~~

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

1 ~~(C) IF THE PRINCIPAL IS UNABLE TO RESOLVE THE DISPUTE TO THE~~
2 ~~SATISFACTION OF THE PARENT OR GUARDIAN, IT SHALL BE REFERRED~~
3 ~~IMMEDIATELY TO THE SUPERINTENDENT OF SCHOOLS FOR THAT COUNTY. THE~~
4 ~~SUPERINTENDENT OF SCHOOLS FOR THAT COUNTY OR THE SUPERINTENDENT'S~~
5 ~~REPRESENTATIVE SHALL REVIEW THE ISSUES AND RESOLVE THE DISPUTE WITHIN 5~~
6 ~~SCHOOL DAYS.~~

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

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

12 8-506.

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

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

18 ~~(I) FOUR SHALL BE HOMELESS OR FORMERLY HOMELESS~~
19 ~~PARENTS OF SCHOOL AGE CHILDREN;~~

20 ~~(II) FOUR SHALL BE PROVIDERS TO AND ADVOCATES FOR~~
21 ~~HOMELESS PERSONS; AND~~

22 ~~(III) FOUR SHALL BE SCHOOL PERSONNEL FROM DIFFERENT~~
23 ~~GEOGRAPHIC REGIONS OF THE STATE.~~

24 ~~(2) (I) ONE SHALL BE A MEMBER OF THE SENATE OF MARYLAND,~~
25 ~~APPOINTED BY THE PRESIDENT OF THE SENATE.~~

26 ~~(II) ONE SHALL BE A MEMBER OF THE HOUSE OF DELEGATES,~~
27 ~~APPOINTED BY THE SPEAKER OF THE HOUSE.~~

28 ~~(C) THE COMMITTEE SHALL:~~

29 ~~(1) ADVISE THE STATE BOARD OF EDUCATION ON MATTERS~~
30 ~~CONCERNING THE EDUCATION OF HOMELESS CHILDREN; AND~~

31 ~~(2) STUDY AND MAKE RECOMMENDATIONS IN THE FORM OF AN~~
32 ~~ANNUAL REPORT TO THE STATE BOARD ON MATTERS CONCERNING THE~~
33 ~~EDUCATION OF HOMELESS CHILDREN.~~

34 8-507.

35 ~~(A) THIS SUBTITLE DOES NOT AFFECT THE REQUIREMENTS OF COUNTY~~
36 ~~SCHOOL SYSTEMS AND THE MARYLAND DEPARTMENT OF EDUCATION UNDER THE~~
37 ~~FEDERAL STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.~~

1 ~~(B) THE MARYLAND STATE DEPARTMENT OF EDUCATION REMAINS~~
 2 ~~RESPONSIBLE FOR DEVELOPING PROCEDURES, GUIDELINES, AND A MONITORING~~
 3 ~~PROCESS TO ENSURE THAT COUNTY SCHOOL SYSTEMS COMPLY WITH THE~~
 4 ~~REQUIREMENTS OF THIS SUBTITLE AND WITH THE MCKINNEY ACT.~~

5 ~~8-508.~~

6 ~~(A) A PERSON MAY NOT KNOWINGLY OR WILLFULLY PRESENT TO A COUNTY~~
 7 ~~BOARD FALSE INFORMATION REGARDING THE HOMELESSNESS OF ANY CHILD OR~~
 8 ~~FAMILY FOR THE PURPOSE OF ENABLING THAT CHILD TO ATTEND A SCHOOL~~
 9 ~~OTHER THAN THE SCHOOL THAT THE CHILD IS OTHERWISE ENTITLED TO ATTEND.~~

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

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

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 16 MARYLAND, That:

17 (a) There is a Task Force on the Education of Homeless Children and Youth in
 18 Maryland.

19 (b) The Task Force shall review current policies, procedures, and practices for the
 20 education of homeless children and youth in the State and make recommendations on:

21 (1) Requirements for the implementation and compliance with the federal
 22 Stewart B. McKinney Homeless Assistance Act, PL 103-382 (1994), by the Maryland
 23 State Department of Education and local school systems;

24 (2) A thorough review of the compliance and enforcement efforts in other
 25 states to comply with the Stewart B. McKinney Homeless Assistance Act;

26 (3) Oversight responsibilities of the State Department of Education for the
 27 education of homeless children and youth in the State;

28 (4) Costs and funding sources of programs and activities necessary to meet
 29 requirements for the education of homeless children and youth; and

30 (5) Other matters that the Task Force considers significant in the education
 31 of homeless children and youth in the State.

32 (c) The Task Force shall be composed of 12 members as follows:

33 (1) One member of the House of Delegates of Maryland, appointed by the
 34 Speaker of the House, and who shall be co-chairman of the Task Force;

35 (2) One member of the Senate of Maryland, appointed by the President of
 36 the Senate, who shall be co-chairman of the Task Force; and

37 (3) The following members appointed by the Governor:

38 (i) A representative of the Department of Budget and Management;

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- 1 (ii) A representative of the State Department of Education;
- 2 (iii) A representative of the Department of Health and Mental
- 3 Hygiene;
- 4 (iv) A representative of the Department of Human Resources;
- 5 (v) A representative of a local education agency;
- 6 (vi) A member of the Governor's Advisory Board on Homelessness;
- 7 (vii) A member of the Maryland Association of Boards of Education;
- 8 (viii) Two members of the general public who are providers to and
- 9 advocates for homeless persons, including shelter providers and representatives of legal
- 10 advocacy groups; and
- 11 (ix) A homeless or formerly homeless parent of school-age children.

12 (d) The State Board of Education shall provide staff support to the Task Force.

13 (e) The Task Force shall report its findings and recommendations to the

14 Governor and, in accordance with § 2-1312 of the State Government Article, to the

15 General Assembly by June 1, 1998.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

17 June 1, 1997.