
By: **Delegate Montague**
Introduced and read first time: February 13, 1998
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Children in State-Supervised Care**

3 FOR the purpose of establishing that a child in State-supervised care shall be eligible
4 for enrollment in any public school that is in the school district in which the
5 child currently resides; requiring certain schools immediately to admit a child in
6 State-supervised care and to treat the child as a resident of the school district
7 for all purposes under certain circumstances; requiring certain individuals to
8 evaluate whether travel to the child's school of origin is in the best interest of the
9 child under certain circumstances; providing for transportation to and from the
10 child's school of origin; prohibiting a child in State-supervised care from being
11 denied enrollment in a public school solely because the child cannot produce
12 certain records; requiring a school that enrolls a child in State-supervised care
13 to obtain certain records within a certain period of time and to refer a child to a
14 clinic or physician to receive necessary immunizations under certain
15 circumstances; requiring a child in State-supervised care to be enrolled in the
16 school that is closest to the child's residence under certain circumstances;
17 requiring a school that enrolls a child in State-supervised care to conduct a
18 certain evaluation of the child within a certain time period; requiring a school
19 that enrolls a child in State-supervised care to develop a certain behavioral plan
20 for the child under certain circumstances; requiring each public school to
21 prepare a school passport for each State-supervised child enrolled in the school;
22 requiring each public school to make a school passport available to certain
23 individuals and to update the school passport under certain circumstances;
24 providing that a caregiver shall be deemed to have a certain status; requiring
25 the State Department of Education to adopt certain regulations; defining
26 certain terms; and generally relating to the education of children in
27 State-supervised care.

28 BY adding to
29 Article - Education
30 Section 7-1001 through 7-1006, inclusive, to be under the new subtitle "Subtitle
31 10. Children in State-Supervised Care"
32 Annotated Code of Maryland
33 (1997 Replacement Volume and 1997 Supplement)

1 Preamble

2 WHEREAS, The State has a responsibility to educate children in
3 State-supervised care; and

4 WHEREAS, Children in State-supervised care have unique and unmet
5 educational needs; and

6 WHEREAS, School attendance is essential to emotional and social
7 development and the development of knowledge and skills that are required to
8 achieve self-sufficiency; and

9 WHEREAS, It is estimated that more than 60 percent of children in foster care
10 fail to graduate from high school on time as compared to 25.3 percent of the general
11 population of school age children; and

12 WHEREAS, Children in State-supervised care are subject to being removed
13 from their homes and are often subject to multiple out-of-home placements; now,
14 therefore,

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

17 **Article - Education**

18 **SUBTITLE 10. CHILDREN IN STATE-SUPERVISED CARE.**

19 7-1001.

20 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

22 (B) "AGENCY" MEANS:

23 (1) THE DEPARTMENT OF JUVENILE JUSTICE;

24 (2) A LOCAL DEPARTMENT OF SOCIAL SERVICES; OR

25 (3) A PRIVATE AGENCY THAT:

26 (I) ENGAGES IN THE PLACEMENT OF CHILDREN IN HOMES OR
27 WITH INDIVIDUALS; AND

28 (II) IS LICENSED BY THE SOCIAL SERVICES ADMINISTRATION
29 UNDER § 5-507 OF THE FAMILY LAW ARTICLE.

30 (C) "CAREGIVER" MEANS:

31 (1) AN INDIVIDUAL WITH WHOM A CHILD IN STATE-SUPERVISED CARE
32 IS PLACED UNDER THE FOSTER CARE PROGRAM, AS DEFINED IN § 5-525 OF THE

1 FAMILY LAW ARTICLE, OR THE KINSHIP CARE PROGRAM, AS DEFINED IN § 5-534 OF
2 THE FAMILY LAW ARTICLE; OR

3 (2) THE DIRECTOR OF A LICENSED RESIDENTIAL PROGRAM OR SHELTER
4 IN WHICH A CHILD IN STATE-SUPERVISED CARE IS PLACED.

5 (D) "CHILD IN STATE-SUPERVISED CARE" MEANS A CHILD WHO:

6 (1) IS IN THE CUSTODY OR UNDER THE GUARDIANSHIP OF A LOCAL
7 DEPARTMENT OF SOCIAL SERVICES OR THE DEPARTMENT OF JUVENILE JUSTICE
8 AND WHO HAS BEEN PLACED IN AN OUT-OF-HOME PLACEMENT; AND

9 (2) IS ELIGIBLE TO ATTEND A PUBLIC SCHOOL IN THIS STATE.

10 (E) "SCHOOL OF ORIGIN" MEANS:

11 (1) THE SCHOOL THAT A CHILD IN STATE-SUPERVISED CARE ATTENDED
12 BEFORE THE CHILD WAS PLACED IN AN OUT-OF-HOME PLACEMENT; OR

13 (2) THE SCHOOL IN WHICH THE CHILD WAS LAST ENROLLED.

14 (F) "SCHOOL PASSPORT" MEANS A PORTABLE RECORD PROVIDING
15 INFORMATION NEEDED FOR SCHOOL ENROLLMENT AND GRADE LEVEL PLACEMENT.
16 7-1002.

17 (A) (1) A CHILD IN STATE-SUPERVISED CARE SHALL BE ELIGIBLE FOR
18 ENROLLMENT IN ANY PUBLIC SCHOOL THAT IS IN THE SCHOOL DISTRICT IN WHICH
19 THE CHILD CURRENTLY RESIDES.

20 (2) FOR PURPOSES OF THIS SUBTITLE, A CHILD'S RESIDENCE SHALL BE
21 THE PRIMARY NIGHTTIME PLACE OF ABODE.

22 (B) IF AN AGENCY HAVING RESPONSIBILITY FOR A CHILD IN
23 STATE-SUPERVISED CARE OR THE CHILD'S CAREGIVER PRESENTS THE CHILD FOR
24 ENROLLMENT IN A PUBLIC SCHOOL THAT IS IN THE SCHOOL DISTRICT IN WHICH THE
25 CHILD CURRENTLY RESIDES, THE SCHOOL SHALL:

26 (1) IMMEDIATELY ADMIT THE CHILD; AND

27 (2) TREAT THE CHILD AS A RESIDENT OF THE SCHOOL DISTRICT FOR
28 ALL PURPOSES.

29 (C) (1) IF TRAVEL TIME TO THE CHILD'S SCHOOL OF ORIGIN IS WITHIN
30 ONE-HALF HOUR OF THE CHILD'S OUT-OF-HOME PLACEMENT, AT THE REQUEST OF
31 THE AGENCY HAVING RESPONSIBILITY FOR THE CHILD OR THE CHILD'S CAREGIVER,
32 THE PRINCIPAL OF THE SCHOOL OF ORIGIN OR THE PRINCIPAL'S DESIGNEE, THE
33 LOCAL SUPERINTENDENT OR THE SUPERINTENDENT'S DESIGNEE, AND A
34 REPRESENTATIVE OF THE AGENCY HAVING RESPONSIBILITY FOR THE CHILD OR THE
35 CHILD'S CAREGIVER SHALL MEET TO EVALUATE WHETHER TRAVEL TO THE SCHOOL

1 OF ORIGIN IS IN THE BEST INTEREST OF THE CHILD AS COMPARED TO ATTENDING
2 THE SCHOOL CLOSEST TO THE CHILD'S OUT-OF-HOME PLACEMENT.

3 (2) IF IT IS DETERMINED THAT TRAVEL TO THE SCHOOL OF ORIGIN IS IN
4 THE BEST INTEREST OF THE CHILD, THE SCHOOL OF ORIGIN SHALL INFORM THE
5 AGENCY HAVING RESPONSIBILITY FOR THE CHILD AND THE CHILD'S CAREGIVER
6 THAT TRANSPORTATION IS AVAILABLE IF NEEDED.

7 (3) (I) IF THE CHILD'S CAREGIVER IS UNABLE TO PROVIDE OR
8 ARRANGE FOR TRANSPORTATION TO AND FROM THE SCHOOL OF ORIGIN, AND THE
9 CHILD RESIDES IN THE CITY OR COUNTY IN WHICH THE SCHOOL OF ORIGIN IS
10 LOCATED, THE CHILD'S TRANSPORTATION TO AND FROM THE SCHOOL SHALL BE
11 PROVIDED OR ARRANGED BY THAT CITY OR COUNTY.

12 (II) IF THE CHILD'S CAREGIVER IS UNABLE TO PROVIDE OR
13 ARRANGE FOR TRANSPORTATION TO AND FROM THE SCHOOL OF ORIGIN, AND THE
14 CHILD RESIDES IN A CITY OR COUNTY OTHER THAN THAT IN WHICH THE SCHOOL OF
15 ORIGIN IS LOCATED, THE RESPONSIBILITY FOR TRANSPORTATION TO THE SCHOOL
16 OF ORIGIN SHALL BE SHARED EQUALLY BY BOTH SCHOOLS.

17 (D) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A CHILD IN
18 STATE-SUPERVISED CARE WHO IS IN A SPECIAL EDUCATION PROGRAM FROM BEING
19 PLACED IN AN APPROPRIATE ALTERNATIVE PUBLIC OR NONPUBLIC SCHOOL.

20 7-1003.

21 (A) A CHILD IN STATE-SUPERVISED CARE MAY NOT BE DENIED ENROLLMENT
22 IN A PUBLIC SCHOOL SOLELY BECAUSE THE CHILD CANNOT PRODUCE REQUIRED
23 RECORDS, INCLUDING IMMUNIZATION RECORDS.

24 (B) THE SCHOOL THAT ENROLLS THE CHILD SHALL CONTACT THE SCHOOL OF
25 ORIGIN TO OBTAIN RELEVANT RECORDS WITHIN 5 SCHOOL DAYS OF ENROLLMENT.

26 (C) IF THE CHILD'S IMMUNIZATION RECORDS ARE NOT AVAILABLE, THE
27 SCHOOL THAT ENROLLS THE CHILD SHALL REFER THE CHILD TO AN APPROPRIATE
28 CLINIC OR PHYSICIAN TO RECEIVE THE NECESSARY IMMUNIZATIONS WITHIN 5
29 SCHOOL DAYS OF ENROLLMENT.

30 (D) IF A DISPUTE ARISES REGARDING THE ENROLLMENT OF A CHILD IN
31 STATE-SUPERVISED CARE, THE CHILD SHALL BE IMMEDIATELY ENROLLED IN THE
32 SCHOOL THAT IS CLOSEST TO THE CHILD'S RESIDENCE UNTIL FINAL RESOLUTION
33 OF THE DISPUTE.

34 7-1004.

35 (A) WITHIN 5 SCHOOL DAYS AFTER ENROLLMENT, THE SCHOOL THAT
36 ENROLLS THE CHILD SHALL CONDUCT AN EVALUATION OF THE CHILD'S SCHOOL
37 PLACEMENT HISTORY AND ACADEMIC STANDING AND CIRCUMSTANCES RELATED TO
38 THE OUT-OF-HOME PLACEMENT THAT MAY AFFECT THE CHILD'S SOCIAL
39 ADJUSTMENT AND ACADEMIC PERFORMANCE.

1 (B) (1) THE EVALUATION SHALL:

2 (I) DETERMINE THE CHILD'S GRADE LEVEL ASSIGNMENT,
3 HISTORY OF ATTENDANCE AT THE SCHOOL OF ORIGIN, AND SPECIAL NEEDS,
4 INCLUDING SPECIAL EDUCATION STATUS IF APPLICABLE, AS IDENTIFIED BY
5 INFORMATION CONTAINED IN THE SCHOOL PASSPORT PREPARED UNDER § 7-1005 OF
6 THIS SUBTITLE, OR AS IDENTIFIED BY THE SCHOOLS IN WHICH THE CHILD HAS
7 PREVIOUSLY BEEN ENROLLED;

8 (II) IDENTIFY THE OUT-OF-HOME PLACEMENT AND
9 CIRCUMSTANCES THAT MAY INFLUENCE THE CHILD'S SOCIAL ADJUSTMENT AND
10 ACADEMIC PERFORMANCE; AND

11 (III) INCLUDE AN INTERVIEW OF THE CHILD AND THE CHILD'S
12 CAREGIVER BY A CERTIFIED SCHOOL COUNSELOR, A CERTIFIED SCHOOL
13 PSYCHOLOGIST, A SCHOOL SOCIAL WORKER, OR OTHER QUALIFIED SCHOOL
14 PERSONNEL, TO IDENTIFY THE CHILD'S CONCERNS RELATED TO THE CHILD'S
15 SCHOOL PLACEMENT, AND TO ASSESS THE CHILD'S NEED FOR SUPPORT REQUIRED
16 TO PROMOTE SCHOOL INVOLVEMENT AND POSITIVE ACADEMIC AND SOCIAL
17 PERFORMANCE.

18 (2) (I) THE EVALUATION SHALL BE DOCUMENTED IN A WRITTEN
19 REPORT THAT SHALL BE AVAILABLE TO THE CHILD'S CLASSROOM TEACHER, OTHER
20 FACULTY DIRECTLY PARTICIPATING IN THE CHILD'S EDUCATION, THE AGENCY
21 HAVING RESPONSIBILITY FOR THE CHILD, AND THE CHILD'S CAREGIVER.

22 (II) THE REPORT MAY NOT IDENTIFY OR DISCLOSE CONFIDENTIAL
23 INFORMATION RELATED TO THE CIRCUMSTANCES THAT RESULTED IN THE CHILD'S
24 PLACEMENT IN THE OUT-OF-HOME PLACEMENT.

25 (C) IF IT IS DETERMINED THROUGH THE EVALUATION THAT A CHILD IN
26 STATE-SUPERVISED CARE NEEDS INDIVIDUAL ATTENTION TO MEET THE CHILD'S
27 ACADEMIC AND SOCIAL RESPONSIBILITIES AS A STUDENT IN THE SCHOOL, THE
28 SCHOOL SHALL ASSIGN A COUNSELOR, PSYCHOLOGIST, SOCIAL WORKER,
29 ADMINISTRATOR, OR FACULTY MEMBER OTHER THAN THE CLASSROOM TEACHER TO
30 WHOM THE CHILD IS ASSIGNED, TO BE AVAILABLE TO THE CHILD UNTIL THE CHILD
31 HAS MADE A SATISFACTORY ADJUSTMENT TO THE SCHOOL.

32 (D) (1) IF THE EVALUATION OR THE CHILD'S CLASSROOM TEACHER OR
33 OTHER SCHOOL FACULTY IDENTIFIES BEHAVIORS THAT MAY INTERFERE WITH THE
34 CHILD'S ABILITY TO LEARN OR MAY RESULT IN A DISRUPTION OF THE CLASSROOM
35 OR THE SCHOOL, THE SCHOOL SHALL DEVELOP A BEHAVIORAL PLAN FOR THE
36 CHILD.

37 (2) THE BEHAVIORAL PLAN SHALL BE:

38 (I) DEVELOPED BY A BEHAVIOR SPECIALIST OR OTHER QUALIFIED
39 SCHOOL PERSONNEL IN COLLABORATION WITH THE CHILD'S CLASSROOM TEACHER
40 AND THE CHILD'S CAREGIVER;

1 (II) DEVELOPED WITHIN 10 SCHOOL DAYS AFTER THE
2 IDENTIFICATION OF BEHAVIORS THAT MAY INTERFERE WITH THE CHILD'S ABILITY
3 TO LEARN OR THAT MAY RESULT IN A DISRUPTION OF THE CLASSROOM OR THE
4 SCHOOL;

5 (III) APPROVED BY THE PRINCIPAL OR ASSISTANT PRINCIPAL
6 BEFORE BEING IMPLEMENTED; AND

7 (IV) IMPLEMENTED BEFORE ANY EXPULSION OR SUSPENSION FOR
8 DISRUPTIVE BEHAVIOR OCCURS, EXCEPT WHEN THE BEHAVIOR REPRESENTS AN
9 IMMINENT THREAT TO THE SAFETY OF THE CHILD, OTHER STUDENTS, OR SCHOOL
10 PERSONNEL.

11 7-1005.

12 (A) (1) EACH PUBLIC SCHOOL SHALL PREPARE A SCHOOL PASSPORT AND
13 RELATED INSTRUCTIONS FOR EACH STATE-SUPERVISED CHILD ENROLLED IN THE
14 SCHOOL.

15 (2) THE SCHOOL PASSPORT SHALL INCLUDE:

16 (I) PERSONAL DATA AND SCHOOL ATTENDANCE DATA;

17 (II) A COPY OF A COMPLETED HEALTH INVENTORY; AND

18 (III) A COPY OF A RECORD OF IMMUNIZATIONS AGAINST COMMON
19 CHILDHOOD COMMUNICABLE DISEASES.

20 (B) EACH SCHOOL THAT ENROLLS A CHILD IN STATE-SUPERVISED CARE
21 SHALL:

22 (1) MAKE THE SCHOOL PASSPORT AVAILABLE TO THE AGENCY HAVING
23 RESPONSIBILITY FOR THE CHILD AND THE CHILD'S CAREGIVER; AND

24 (2) UPDATE THE SCHOOL PASSPORT AT THE REQUEST OF THE AGENCY
25 HAVING RESPONSIBILITY FOR THE CHILD OR THE CHILD'S CAREGIVER.

26 7-1006.

27 (A) FOR PURPOSES OF THIS SUBTITLE, A CAREGIVER SHALL BE DEEMED TO
28 HAVE THE STATUS OF A PARENT SURROGATE, AS DEFINED IN § 8-412 OF THE
29 EDUCATION ARTICLE.

30 (B) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE
31 PROVISIONS OF THIS SUBTITLE, INCLUDING REGULATIONS CONCERNING THE FORM
32 OF A SCHOOL PASSPORT.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 1998.