

HOUSE BILL 1155

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71r2739

By: **Delegate N. King**

Introduced and read first time: February 19, 2007

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Children with Disabilities – Unaccompanied Homeless Youth**

3 FOR the purpose of altering a certain term to conform it to a comparable federal term;
4 altering the definition of a certain term to conform it to the federal definition;
5 and generally relating to educational services for unaccompanied homeless
6 youth.

7 BY repealing and reenacting, with amendments,
8 Article – Education
9 Section 8–412(a) and (b)
10 Annotated Code of Maryland
11 (2006 Replacement Volume)

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

14 **Article – Education**

15 8–412.

16 (a) (1) In this section the following words have the meanings indicated.

17 (2) “Child” means an individual who is eligible to receive education
18 services in accordance with the Individuals with Disabilities Education Act and
19 applicable State law and regulation.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) “Educational decision making process” means all procedures
2 relating to the identification, evaluation, or educational placement of a child and the
3 provision of a free appropriate public education, including the appeal procedures
4 provided for by § 8–413 of this subtitle.

5 (4) “Local school superintendent” means the school system
6 superintendent or the administrative head in charge of a public agency as defined in
7 paragraph (7) of this subsection that provides educational services to children.

8 (5) (i) “Parent” means:

- 9 1. A child’s natural parents;
- 10 2. A child’s adoptive parents;
- 11 3. A guardian;
- 12 4. A person acting as a parent of a child such as a
13 relative or a stepparent with whom a child lives;
- 14 5. A foster parent with whom a child lives if the foster
15 parent has been granted limited guardianship for educational decision making
16 purposes by the court that has placed the child in foster care; or
- 17 6. Any other individual who is legally responsible for a
18 child’s welfare.

19 (ii) “Parent” does not include a social worker or other employee
20 of a public agency who is responsible for the education or care of the child.

21 (6) “Parent surrogate” means a person who is appointed by the local
22 school superintendent to act in place of a parent of a child in the educational decision
23 making process.

24 (7) “Public agency” includes the State Department of Education, local
25 education agencies, and other agencies that are responsible for providing education to
26 a child with a disability, including the Department of Health and Mental Hygiene,
27 Mental Hygiene Administration, the Mental Retardation Administration, the
28 Department of Juvenile Services, and the Maryland School for the Deaf. For the
29 purpose of this section the Maryland School for the Blind shall be considered a public
30 agency.

1 (8) “Unaccompanied homeless [child] **YOUTH**” means a [child who is
2 considered homeless] **HOMELESS YOUTH**, as defined by the McKinney–Vento
3 Homeless Assistance Act, **WHO IS NOT IN THE PHYSICAL CUSTODY OF A PARENT**
4 **OR GUARDIAN**.

5 (9) “Unavailable” means that a public agency, after reasonable efforts,
6 cannot discover the physical whereabouts of a child’s parent.

7 (10) “Unknown” means that a public agency, after reasonable efforts,
8 cannot identify the child’s parent.

9 (11) “Ward of the State” means a child for whom a State or county
10 agency or official has been appointed legal guardian, or who has been committed by a
11 court of competent jurisdiction to the legal custody of a State or county agency or
12 official with the express authorization that the State or county agency or official make
13 educational decisions for the child.

14 (b) Public agency personnel shall request that the local school
15 superintendent appoint a parent surrogate to represent a child at any point in the
16 educational decision making process if it is suspected that the child may be disabled
17 and if:

18 (1) The child is a ward of the State;

19 (2) The child is an unaccompanied homeless [child] **YOUTH**; or

20 (3) (i) The parents of the child are unknown or unavailable; and

21 (ii) The child’s rights have not been transferred in accordance
22 with § 8–412.1 of this subtitle.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2007.