

## **CHAPTER 456**

### **(House Bill 1155)**

AN ACT concerning

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

FOR the purpose of altering a certain term to conform it to a comparable federal term; altering the definition of a certain term to conform it to the federal definition; making a technical correction; and generally relating to educational services for unaccompanied homeless youth.

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

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

#### **Article – Education**

8–412.

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

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

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

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

(5) (i) “Parent” means:

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

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

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

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

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

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

(10) "Unknown" means that a public agency, after reasonable efforts, cannot identify the child's parent.

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

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

- (1) The child is a ward of the State;
- (2) The child is an unaccompanied homeless [child] **YOUTH**; or
- (3) (i) The parents of the child are unknown or unavailable; and

(ii) The child's rights have not been transferred in accordance with § 8-412.1 of this subtitle.

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

**Approved by the Governor, May 8, 2007.**