

SENATE BILL 64

D4

(PRE-FILED)

4lr0890
CF HB 1

By: **Chair, Judicial Proceedings Committee (By Request – Maryland Judicial Conference)**

Requested: November 12, 2013
Introduced and read first time: January 8, 2014
Assigned to: Judicial Proceedings

Committee Report: Favorable
Senate action: Adopted
Read second time: January 21, 2014

CHAPTER _____

1 AN ACT concerning

2 **Children in Need of Assistance – Educational Stability**

3 FOR the purpose of requiring the juvenile court to inquire as to the educational
4 stability of a child at certain hearings and proceedings; authorizing the juvenile
5 court to consider certain factors in determining the educational stability of a
6 child; defining a certain term; and generally relating to children in need of
7 assistance and educational stability.

8 BY adding to

9 Article – Courts and Judicial Proceedings
10 Section 3–816.4
11 Annotated Code of Maryland
12 (2013 Replacement Volume and 2013 Supplement)

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

15 **Article – Courts and Judicial Proceedings**

16 **3–816.4.**

17 **(A) IN THIS SECTION, “EDUCATIONAL STABILITY” MEANS THE**
18 **CONTINUOUS PROCESS OF IDENTIFYING AND IMPLEMENTING THE**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 APPROPRIATE EDUCATIONAL PLACEMENT, TRAINING, RESOURCES, SERVICES,
2 AND EXPERIENCES THAT WILL ADDRESS THE FUNDAMENTAL NEEDS NECESSARY
3 TO ENSURE THE SUCCESSFUL EDUCATIONAL OUTCOME OF A CHILD AND
4 CONTRIBUTE TO THE CHILD'S OVERALL WELL-BEING.

5 (B) THE COURT SHALL INQUIRE AS TO THE EDUCATIONAL STABILITY OF
6 A CHILD AT A SHELTER CARE HEARING, ADJUDICATORY HEARING, DISPOSITION
7 HEARING, AND ANY CHANGE OF PLACEMENT PROCEEDING.

8 (C) IN DETERMINING THE EDUCATIONAL STABILITY OF A CHILD UNDER
9 THIS SECTION, THE COURT MAY CONSIDER THE FOLLOWING FACTORS:

10 (1) THE APPROPRIATENESS OF THE CHILD'S CURRENT SCHOOL
11 PLACEMENT;

12 (2) THE SCHOOL PLACEMENT OF THE CHILD'S SIBLINGS;

13 (3) THE MINIMIZATION OF SCHOOL CHANGES;

14 (4) THE PROXIMITY OF THE SCHOOL TO THE CHILD'S
15 PLACEMENT;

16 (5) TRANSPORTATION TO AND FROM SCHOOL;

17 (6) THE PROPER RELEASE AND PROMPT TRANSFER OF THE
18 CHILD'S EDUCATION RECORDS;

19 (7) THE CHILD'S SCHOOL ATTENDANCE;

20 (8) THE IDENTIFICATION OF AND CONSULTATION WITH THE
21 CHILD'S EDUCATIONAL GUARDIAN;

22 (9) THE MAINTENANCE OF ANY INDIVIDUAL EDUCATION PLAN
23 (IEP); AND

24 (10) THE CHILD'S APPROPRIATE GRADE LEVEL PROGRESS OR
25 PROGRESS TOWARD GRADUATION.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2014.