

# HOUSE BILL 1327

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By: **Delegates Miele, Grammer, Long, McDonough, Metzgar, and Szeliga**

Introduced and read first time: February 9, 2018

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County Public Schools – Falsifying Domicile – Penalty**

3 FOR the purpose of establishing a penalty for a child’s parent or guardian who, based on a  
4 determination made by a certain residency investigator, has knowingly falsified the  
5 child’s domicile in Baltimore County so that the child may attend a Baltimore County  
6 public school that the child is not eligible to attend; requiring a certain residency  
7 investigator to refer a certain matter to the Baltimore County State’s Attorney;  
8 limiting the assessment of a certain fine under certain circumstances; defining a  
9 certain term; providing for the application of this Act; and generally relating to  
10 Baltimore County Public Schools.

11 BY repealing and reenacting, with amendments,  
12 Article – Education  
13 Section 7–101(b)  
14 Annotated Code of Maryland  
15 (2014 Replacement Volume and 2017 Supplement)

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

18 **Article – Education**

19 7–101.

20 (b) (1) Except as provided in § 7–301 of this title and in paragraph (2) of this  
21 subsection, each child shall attend a public school in the county where the child is domiciled  
22 with the child’s parent, guardian, or relative providing informal kinship care, as defined in  
23 subsection (c) of this section.

24 (2) (i) Upon request and in accordance with a county board’s policies  
25 concerning residency, a county superintendent may allow a child to attend school in the

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 county even if the child is not domiciled in that county with the child's parent or guardian.

2 (ii) Regardless of where the child is currently domiciled, a county  
3 superintendent shall allow a child to remain at the school that the child is attending, if:

4 1. The child is a child who is:

5 A. In the custody of, committed to, or otherwise placed by a  
6 local department of social services or the Department of Juvenile Services; and

7 B. Subject to the educational stability provisions of the  
8 federal Fostering Connections to Success and Increasing Adoptions Act of 2008;

9 2. The child is not subject to the educational stability  
10 provisions of the federal McKinney-Vento Homeless Assistance Act as a child awaiting  
11 foster care placement as defined by the Department in regulation;

12 3. The child is not in any of the following placements:

13 A. A detention facility;

14 B. A forestry camp;

15 C. A training school;

16 D. A State-owned and State-operated facility that  
17 accommodates more than 25 children; or

18 E. Any other facility operated primarily for the detention of  
19 children who are determined to be delinquent;

20 4. The local department of social services or the Department  
21 of Juvenile Services determines, in consultation with the local school system, that it is in  
22 the best interests of the child to continue at that school; and

23 5. The local department of social services or the Department  
24 of Juvenile Services pays for the cost of transporting the child to and from school.

25 (iii) 1. The Department of Human Resources and the  
26 Department of Juvenile Services each shall adopt regulations establishing factors that  
27 shall be considered in determining the best interests of a child under this section.

28 2. The Department shall adopt regulations to implement the  
29 educational stability provisions of the federal Fostering Connections to Success and  
30 Increasing Adoptions Act of 2008.

31 (3) [If] EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS

1 **SUBSECTION, IF** a child fraudulently attends a public school in a county where the child  
2 is not domiciled with the child's parent or guardian, the child's parent or guardian shall be  
3 subject to a penalty payable to the county for the pro rata share of tuition for the time the  
4 child fraudulently attends a public school in the county.

5 (4) (I) **IN THIS PARAGRAPH, "RESIDENCY INVESTIGATOR" MEANS**  
6 **AN INDIVIDUAL WHO DETERMINES THE ELIGIBILITY OF A CHILD FOR ENROLLMENT**  
7 **IN THE BALTIMORE COUNTY PUBLIC SCHOOL SYSTEM BASED ON THE CHILD'S**  
8 **DOMICILE.**

9 (II) **THIS PARAGRAPH APPLIES ONLY TO BALTIMORE COUNTY.**

10 (III) **IF A RESIDENCY INVESTIGATOR DETERMINES THAT A**  
11 **CHILD'S PARENT OR GUARDIAN HAS KNOWINGLY FALSIFIED THE CHILD'S DOMICILE**  
12 **SO THAT THE CHILD MAY ATTEND A BALTIMORE COUNTY PUBLIC SCHOOL THAT THE**  
13 **CHILD IS NOT ELIGIBLE TO ATTEND BASED ON THE CHILD'S DOMICILE:**

14 1. **SUBJECT TO SUBPARAGRAPH (IV) OF THIS**  
15 **PARAGRAPH, THE CHILD'S PARENT OR GUARDIAN IS SUBJECT TO A FINE NOT**  
16 **EXCEEDING \$5,000; AND**

17 2. **THE RESIDENCY INVESTIGATOR SHALL REFER THE**  
18 **MATTER TO THE BALTIMORE COUNTY STATE'S ATTORNEY.**

19 (IV) **A FINE IMPOSED UNDER SUBPARAGRAPH (III)1 OF THIS**  
20 **PARAGRAPH MAY BE ASSESSED ONLY ONCE PER INCIDENT, REGARDLESS OF THE**  
21 **NUMBER OF INDIVIDUALS WHO KNOWINGLY FALSIFY A CHILD'S DOMICILE.**

22 (5) **Nothing in this section alters the requirements for out-of-county**  
23 **placements contained in § 4-122 and Title 8, Subtitles 3, 3A, and 4 of this article or in any**  
24 **other State or federal law.**

25 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July**  
26 **1, 2018.**