

HOUSE BILL 1798

F1

8lr3720

By: **Delegates Turner, Kaiser, and Ebersole**

Introduced and read first time: March 5, 2018

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **County Boards of Education – Home Instruction Program – Observation of**
3 **Instruction and Reporting of Abuse and Neglect**

4 FOR the purpose of requiring the parent or guardian of a certain student to submit certain
5 information to the county board of education before the student begins a home
6 instruction program; requiring the parent or guardian of a student in a home
7 instruction program to verify certain information provided to a county board at a
8 certain time; requiring a parent or guardian of a student in a home instruction
9 program to send a certain notice to the county board of any changes to certain
10 information within a certain period of time; requiring the parent or guardian of a
11 student in a home instruction program to allow a representative of the county board
12 to observe instruction of the home instruction program in a certain location and for
13 a certain purpose a certain number of times each school year; requiring a
14 representative of a county board to notify certain agencies, in a certain manner, if
15 the representative has reason to believe a child has been subjected to abuse or
16 neglect; requiring certain agencies that receive a certain report to notify a certain
17 agency under certain circumstances; requiring a certain report made by a
18 representative of a county board to include certain information in a report, if known;
19 and generally relating to a home instruction program and county boards of
20 education.

21 BY adding to
22 Article – Education
23 Section 4–134
24 Annotated Code of Maryland
25 (2014 Replacement Volume and 2017 Supplement)

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

28 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 4-134.

2 (A) BEFORE A STUDENT BEGINS A HOME INSTRUCTION PROGRAM, THE
3 PARENT OR GUARDIAN OF THE STUDENT SHALL SUBMIT TO THE COUNTY BOARD
4 INFORMATION ON:

5 (1) THE PRIMARY LOCATION WHERE THE HOME INSTRUCTION WILL
6 TAKE PLACE; AND

7 (2) THE NAME OF THE STUDENT'S PRIMARY INSTRUCTOR.

8 (B) (1) AT THE BEGINNING OF EACH SCHOOL YEAR, THE PARENT OR
9 GUARDIAN OF A STUDENT IN A HOME INSTRUCTION PROGRAM SHALL VERIFY THE
10 INFORMATION PROVIDED TO THE COUNTY BOARD UNDER SUBSECTION (A) OF THIS
11 SECTION.

12 (2) IF THE PARENT OR GUARDIAN OF A STUDENT IN A HOME
13 INSTRUCTION PROGRAM MAKES ANY CHANGES TO THE INFORMATION PROVIDED TO
14 THE COUNTY BOARD UNDER SUBSECTION (A) OF THIS SECTION, THE PARENT OR
15 GUARDIAN SHALL SEND A WRITTEN NOTICE OF THE CHANGE TO THE COUNTY BOARD
16 NOT LATER THAN 2 WEEKS AFTER THE CHANGE OCCURRED.

17 (C) (1) THE PARENT OR GUARDIAN OF A STUDENT IN A HOME
18 INSTRUCTION PROGRAM SHALL AGREE TO ALLOW A REPRESENTATIVE OF THE
19 COUNTY BOARD TO OBSERVE INSTRUCTION OF THE HOME INSTRUCTION PROGRAM
20 AT THE PRIMARY LOCATION WHERE THE HOME INSTRUCTION TAKES PLACE AT
21 LEAST TWICE EACH SCHOOL YEAR.

22 (2) THE OBSERVATION REQUIRED UNDER PARAGRAPH (1) OF THIS
23 SUBSECTION SHALL:

24 (i) TAKE PLACE AT A TIME MUTUALLY AGREEABLE TO THE
25 REPRESENTATIVE OF THE COUNTY BOARD AND THE PARENT OR GUARDIAN; AND

26 (ii) BE FOR THE PURPOSE OF ENSURING THAT THE CHILD IS
27 RECEIVING REGULAR, THOROUGH INSTRUCTION IN THE STUDIES USUALLY TAUGHT
28 IN PUBLIC SCHOOLS AS REQUIRED UNDER § 7-301 OF THIS ARTICLE.

29 (D) THE REPRESENTATIVE OF A COUNTY BOARD WHO OBSERVES
30 INSTRUCTION OF A HOME INSTRUCTION PROGRAM UNDER SUBSECTION (C) OF THIS
31 SECTION WHO HAS REASON TO BELIEVE THAT A CHILD IN A HOME INSTRUCTION
32 PROGRAM HAS BEEN SUBJECTED TO ABUSE OR NEGLECT, AS DEFINED IN § 5-701 OF

1 THE FAMILY LAW ARTICLE, SHALL IMMEDIATELY NOTIFY THE COUNTY BOARD OR
2 THE APPROPRIATE LAW ENFORCEMENT AGENCY, AS DEFINED IN § 5-701 OF THE
3 FAMILY LAW ARTICLE.

4 (E) (1) A REPRESENTATIVE OF A COUNTY BOARD WHO MAKES A REPORT
5 TO THE COUNTY BOARD OR THE APPROPRIATE LAW ENFORCEMENT AGENCY UNDER
6 SUBSECTION (D) OF THIS SECTION SHALL:

7 (I) MAKE AN ORAL REPORT BY TELEPHONE OR DIRECT
8 COMMUNICATION AS SOON AS POSSIBLE AFTER OBSERVING THE CHILD;

9 (II) SUBMIT A WRITTEN REPORT TO THE COUNTY BOARD NOT
10 LATER THAN 48 HOURS AFTER THE OBSERVATION THAT CAUSED THE
11 REPRESENTATIVE TO BELIEVE THAT THE CHILD HAS BEEN SUBJECT TO ABUSE OR
12 NEGLECT; AND

13 (III) SUBMIT A COPY OF THE WRITTEN REPORT SUBMITTED TO
14 THE COUNTY BOARD UNDER ITEM (II) OF THIS PARAGRAPH TO THE LOCAL STATE'S
15 ATTORNEY.

16 (2) IF THE REPRESENTATIVE OF A COUNTY BOARD MAKING A REPORT
17 UNDER SUBSECTION (D) OF THIS SECTION MAKES THE INITIAL REPORT TO:

18 (I) THE COUNTY BOARD, THE COUNTY BOARD SHALL
19 IMMEDIATELY NOTIFY THE APPROPRIATE LAW ENFORCEMENT AGENCY; OR

20 (II) A LAW ENFORCEMENT AGENCY, THE LAW ENFORCEMENT
21 AGENCY SHALL IMMEDIATELY NOTIFY THE COUNTY BOARD.

22 (F) AN INDIVIDUAL WHO MAKES A REPORT UNDER THIS SECTION SHALL
23 INCLUDE THE FOLLOWING INFORMATION IN THE REPORT, IF KNOWN:

24 (1) THE NAME, AGE, AND HOME ADDRESS OF THE CHILD;

25 (2) THE NAME AND HOME ADDRESS OF THE CHILD'S PARENT OR
26 GUARDIAN;

27 (3) THE WHEREABOUTS OF THE CHILD;

28 (4) THE NATURE AND EXTENT OF THE ABUSE OR NEGLECT OF THE
29 CHILD, INCLUDING ANY EVIDENCE OR INFORMATION AVAILABLE TO THE REPORTER
30 CONCERNING POSSIBLE PREVIOUS INSTANCES OF ABUSE OR NEGLECT; AND

1 **(5) ANY OTHER INFORMATION THAT WOULD HELP TO DETERMINE:**

2 **(I) THE CAUSE OF THE SUSPECTED ABUSE OR NEGLECT; AND**

3 **(II) THE IDENTITY OF ANY INDIVIDUAL RESPONSIBLE FOR THE**
4 **ABUSE OR NEGLECT.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
6 1, 2018.