

HOUSE BILL 1188

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By: **Delegate Boyce**

Introduced and read first time: February 7, 2020

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2020

CHAPTER _____

1 AN ACT concerning

2 **Public Schools – Enrollment Location – Continuity**

3 FOR the purpose of ~~prohibiting a county superintendent of schools from withdrawing a~~
4 ~~student from enrollment in a certain school due to the student's participation in a~~
5 ~~certain alternative learning program~~ prohibiting a child who is a juvenile placed in
6 the custody of certain entities from being disenrolled from public school until the
7 disposition of the child's juvenile case; requiring the public school in which the child
8 who is a juvenile is enrolled to provide the State Department of Education with
9 certain educational materials; requiring the Department in consultation with county
10 boards of education to develop and implement a procedure to transfer to certain
11 entities a copy of certain educational records from the school in which the child is
12 enrolled; requiring the Department in consultation with county boards to develop
13 and implement a procedure for re-enrolling certain children in public school;
14 requiring the Department to develop an educational plan for certain children;
15 removing a forestry camp and a training school from a certain list of placements; and
16 generally relating to public school attendance for detained children.

17 BY repealing and reenacting, with amendments,

18 Article – Education

19 Section 7–101(b)

20 Annotated Code of Maryland

21 (2018 Replacement Volume and 2019 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

23 That the Laws of Maryland read as follows:

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.



Article – Education

1

2 7–101.

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

7 (2) (i) Upon request and in accordance with a county board’s policies
8 concerning residency, a county superintendent may allow a child to attend school in the
9 county even if the child is not domiciled in that county with the child’s parent or guardian.

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

12 1. The child is a child who is:

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

15 B. Subject to the educational stability provisions of the
16 federal Fostering Connections to Success and Increasing Adoptions Act of 2008 and the
17 Every Student Succeeds Act of 2015;

18 2. The child is not in any of the following placements:

19 A. A detention facility;

20 B. [A forestry camp;

21 C. A training school;

22 D.] A State–owned and State–operated facility that
23 accommodates more than 25 children; or

24 [E.] C. Any other facility operated primarily for the
25 detention of children who are determined to be delinquent;

26 3. The local department of social services or the Department
27 of Juvenile Services determines, in consultation with the local school system, that it is in
28 the best interests of the child to continue at that school; and

29 4. The local department of social services or the Department
30 of Juvenile Services pays for the cost of transporting the child to and from school.

1 (iii) ~~A COUNTY SUPERINTENDENT MAY NOT WITHDRAW A CHILD~~
2 ~~FROM ENROLLMENT IN A SCHOOL THAT THE CHILD IS ATTENDING DUE TO THE~~
3 ~~CHILD'S PARTICIPATION IN AN EDUCATIONAL PROGRAM THAT IS LOCATED IN A~~
4 ~~FACILITY SPECIFIED IN SUBPARAGRAPH (2)(II)2 OF THIS PARAGRAPH.~~

5 ~~(iv)~~ 1. The Department of Human Services and the Department
6 of Juvenile Services each shall adopt regulations establishing factors that shall be
7 considered in determining the best interests of a child under this section.

8 2. The Department shall adopt regulations to implement the
9 educational stability provisions of the federal Fostering Connections to Success and
10 Increasing Adoptions Act of 2008 and the Every Student Succeeds Act of 2015.

11 (3) (i) 1. A CHILD WHO IS A JUVENILE PLACED IN THE CUSTODY
12 OF A DETENTION ENTITY LISTED UNDER PARAGRAPH (2)(II)2 OF THIS SUBSECTION
13 MAY NOT BE DISENROLLED FROM A PUBLIC SCHOOL THAT THE CHILD IS ATTENDING
14 UNTIL AFTER THE DISPOSITION OF THE CHILD'S JUVENILE CASE.

15 2. THE PUBLIC SCHOOL IN WHICH THE CHILD IS
16 ENROLLED SHALL PROVIDE THE DEPARTMENT WITH THE EDUCATIONAL
17 MATERIALS NECESSARY FOR THE CHILD TO REMAIN CURRENT WITH THE CHILD'S
18 EDUCATIONAL PROGRAM AT THE SCHOOL IN WHICH THE CHILD IS ENROLLED.

19 (ii) 1. IN CONSULTATION WITH COUNTY BOARDS, THE
20 DEPARTMENT SHALL DEVELOP AND IMPLEMENT A PROCEDURE TO TRANSFER A
21 COPY OF THE CHILD'S EDUCATIONAL RECORDS FROM THE SCHOOL IN WHICH THE
22 CHILD IS ENROLLED TO A FACILITY LISTED UNDER PARAGRAPH (2)(II)2 OF THIS
23 SUBSECTION IN WHICH THE CHILD IS PLACED.

24 2. THE EDUCATIONAL RECORDS TRANSFERRED IN
25 ACCORDANCE WITH THIS SUBPARAGRAPH SHALL INCLUDE A COPY OF:

26 A. AN INDIVIDUALIZED EDUCATION PROGRAM;

27 B. A 504 PLAN;

28 C. RECORDS FROM AN ENGLISH FOR SPEAKERS OF
29 OTHER LANGUAGES (ESOL) PROGRAM; OR

30 D. ANY OTHER RELEVANT DOCUMENTS AND
31 INFORMATION.

32 (iii) THE DEPARTMENT, IN CONSULTATION WITH COUNTY
33 BOARDS, SHALL DEVELOP AND IMPLEMENT A PROCEDURE FOR THE

1 RE-ENROLLMENT OF A CHILD IN A FACILITY LISTED UNDER PARAGRAPH (2)(II)2 OF
 2 THIS SUBSECTION BEFORE THE CHILD IS RELEASED.

3 (IV) THE DEPARTMENT SHALL DEVELOP AN EDUCATIONAL
 4 PLAN FOR EACH CHILD WHO IS DETAINED FOR MORE THAN 4 WEEKS THAT:

5 1. IS DESIGNED TO MEET THE CHILD'S INDIVIDUAL
 6 NEEDS; AND

7 2. ENSURES THAT, TO THE EXTENT PRACTICABLE, THE
 8 CHILD IS ABLE TO SEAMLESSLY REINTEGRATE INTO THE CHILD'S HOME SCHOOL.

9 (4) If a child fraudulently attends a public school in a county where the
 10 child is not domiciled with the child's parent or guardian, the child's parent or guardian
 11 shall be subject to a penalty payable to the county for the pro rata share of tuition for the
 12 time the child fraudulently attends a public school in the county.

13 ~~(4)~~ (5) Nothing in this section alters the requirements for out-of-county
 14 placements contained in § 4-122 and Title 8, Subtitles 3, 3A, and 4 of this article or in any
 15 other State or federal law.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 17 1, 2020.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.