

# HOUSE BILL 1188

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By: **Delegate Boyce**

Introduced and read first time: February 7, 2020

Assigned to: Ways and Means

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## A BILL ENTITLED

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; removing a forestry camp and a training school  
6 from a certain list of placements; and generally relating to public school attendance.

7 BY repealing and reenacting, with amendments,

8 Article – Education

9 Section 7–101(b)

10 Annotated Code of Maryland

11 (2018 Replacement Volume and 2019 Supplement)

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

14 **Article – Education**

15 7–101.

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

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   1.     The child is a child who is:

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

4                   B.     Subject to the educational stability provisions of the  
5 federal Fostering Connections to Success and Increasing Adoptions Act of 2008 and the  
6 Every Student Succeeds Act of 2015;

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

8                   A.     A detention facility;

9                   B.     [A forestry camp;

10                  C.     A training school;

11                  D.] A State-owned and State-operated facility that  
12 accommodates more than 25 children; or

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

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

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

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

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

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

30                  (3)     If a child fraudulently attends a public school in a county where the  
31 child is not domiciled with the child's parent or guardian, the child's parent or guardian

1 shall be subject to a penalty payable to the county for the pro rata share of tuition for the  
2 time the child fraudulently attends a public school in the county.

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

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
7 1, 2020.