

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1188
Ways and Means

(Delegate Boyce)

Education, Health, and Environmental Affairs

Public Schools - Enrollment Location - Continuity

This bill prohibits a child who is a juvenile placed in the custody of specified detention entities from being disenrolled from a public school that the child is attending until after the disposition of the child's juvenile case. The public school in which the child is enrolled must provide the Maryland State Department of Education (MSDE) with the educational materials necessary for the child to remain current with the child's educational program while in custody. MSDE must develop an education plan for every child who is detained for more than four weeks. In consultation with county boards of education, MSDE must develop and implement specified procedures relating to (1) the transfer of a child's educational records from the public school to the facility where a child is placed and (2) the child's re-enrollment in the public school before the child is released from the facility. **The bill takes effect July 1, 2020.**

Fiscal Summary

State Effect: Student enrollment in State-operated facilities is not substantially impacted and, therefore, is not anticipated to materially affect State finances. MSDE can implement the bill's requirements with existing budgeted resources.

Local Effect: Student enrollment in local public school systems is not substantially impacted and, therefore, is not anticipated to materially affect local finances. School systems can implement the bill's requirements with existing resources.

Small Business Effect: None.

Analysis

Bill Summary: Specifically, MSDE must develop and implement a procedure to transfer copies of specified educational records from the school in which the child is enrolled to the detention facility in which the child is placed. MSDE, in consultation with county boards, must develop and implement a procedure for the re-enrollment of a child in a public school prior to release from a detention facility. MSDE must develop an educational plan for each child who is detained for more than four weeks that is designed to meet the child's individual needs and ensures that the child is able to seamlessly reintegrate into the child's home school.

The bill also repeals the exemption of children placed in a forestry camp or a training school from the requirement that a county superintendent must allow a child to remain at the school the child is attending, regardless of where the child is currently domiciled, thereby allowing students in those facilities to remain enrolled in the school they are attending.

Current Law: In general, each child must attend a public school in the county where the child is domiciled with his or her parent, guardian, or relative providing informal kinship care. Upon request and in accordance with a local board's policies concerning residency, a local superintendent may allow a child to attend school in the county even if the child is not domiciled in that county with the child's parent or guardian. Unique hardship circumstances, childcare needs, programming purposes, and relief of school overcrowding are among the local exceptions to required pupil attendance within designated attendance areas.

In addition, there are certain circumstances when a local superintendent must, according to State law, allow a child to remain at the school that the child is attending regardless of where the child is domiciled. Specifically, a child who is in the custody of, committed to, or otherwise placed by a local department of social services or the Department of Juvenile Services (DJS) and is subject to specified federal educational stability provisions must be allowed to remain at the school the child is attending, regardless of where the child is domiciled. This requirement applies only if the local department of social services or DJS determines, in consultation with the local school system, that it is in the best interests of the child to continue at the school.

This requirement, to allow a child to remain at the school that the child is attending regardless of where the child is domiciled, does not apply to a child who is in any of the following placements:

- a detention facility;
- a forestry camp;

- a training school;
- any State owned and operated facility accommodating more than 25 children; or
- any other facility operated primarily for the purpose of detaining children who are determined to be delinquent.

Background: Forestry camps generally provide treatment and other services to Maryland youth, including those who have been ordered by the courts to receive treatment services. According to the Department of Juvenile Services ([DJS website](#)), among forestry camps in Maryland are the Backbone Mountain Forestry Camp in Garrett County, Green Ridge Youth Center in Allegany County, Meadow Mountain Youth Center in Garrett County, and Savage Mountain Youth Center in Allegany County. MSDE and DJS advise that the term “training school” does not apply in Maryland.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Montgomery County Public Schools; Department of Juvenile Services; Maryland State Department of Education; Department of Legislative Services

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