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State Superintendent of Schools

BILL:	House Bill 400	DATE:	March 18, 2021
SUBJECT:	Public Schools – Enrollment Location - Continuity	COMMITTEE:	Education, Health, and Environmental Affairs
POSITION:	Information Only		
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EXPLANATION:

The Maryland State Department of Education (MSDE) is providing information for consideration regarding *HB 400 – Public Schools Enrollment – Continuity*, which specifies that a juvenile placed in a detention center may not be disenrolled from school until the disposition of the case, requires that a procedure to transfer a copy of educational records be established, requires the development of a process for re-enrollment, and the development by the Department of an educational plan for returning students. While the MSDE advocates for the timely continuity of education for all students, the requirements of this legislation present some challenges.

HB 400 would require that the MSDE change the definition of withdrawal from a school system. Withdrawal status is defined by the provision of an educational program. Under current policy, a student that enters a State Institution with an educational program is considered a transfer. Copies of records are transferred to the receiving school and the sending school maintains the student's record. If the student goes to a detention center that does not provide educational services, then the student is considered withdrawn from the school system. The change would mean that a student who enters a detention center without an educational program would not be withdrawn from the school system. Not withdrawing a student would require that an educational program be provided by the school system while the student is in a detention center. This presents a challenge since access to the student is difficult due to facility schedules and staff supervision, and virtual instruction is difficult due to facility restrictions on internet use.

HB 400 also requires that local school systems provide the MSDE with the educational materials necessary for the child to remain current with their educational program. This adds a role for the MSDE, which would require additional staffing. Schools would be required to send materials to the MSDE, and the MSDE would then be responsible for getting the materials to the student or facility liaison.

The requirement for timely transfer of records to State facilities is already addressed in the Code of Maryland Regulations (COMAR) 13A.08.07, which delineates the process for the timely transfer of records for students in State supervised care. This regulation sets parameters for the transfer of records and the process of notification to either the sending or receiving schools.

Additionally, the MSDE would be responsible for the development and implementation of a procedure for the re-enrollment of the child, a process which normally takes place at the local level. Additional staff would be needed to facilitate this process with the local school system. Staff would be essential in order that the MSDE develop an educational plan for each child who is detained for more than four weeks. The plan is required to be designed to meet the child's individual needs and ensure that, to the extent practicable, the child is able to seamlessly reintegrate into the home school. This requirement under the direction of the Department, would need to be implemented in consultation with each local school system. Currently, procedures are in place for the reintegration of students returning from facilities in all schools in Maryland. Transition teams meet when the student is slated to return to the school and create the schedule and work on the transfer of grades and credits, should any have been earned.

The MSDE is dedicated to supporting continuity in the instructional program for students in State facilities. Many of the requirements in the bill are already being managed at the local school system level. Adding the MSDE into the process would take the educational responsibilities away from the school system and would not allow for the local school system to act in the most efficient manner.

We respectfully request that you consider this information as you deliberate **HB 400**. For further information, please contact Zachary Hands, at 410-767-0504, or Zachary.hands1@maryland.gov.