

# HOUSE BILL 400

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HB 1188/20 – W&M

(PRE-FILED)

11r0380

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By: **Delegate Boyce**

Requested: June 19, 2020

Introduced and read first time: January 13, 2021

Assigned to: Ways and Means

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Committee Report: Favorable

House action: Adopted

Read second time: February 16, 2021

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

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

15 BY repealing and reenacting, with amendments,  
16 Article – Education  
17 Section 7–101(b)  
18 Annotated Code of Maryland  
19 (2018 Replacement Volume and 2020 Supplement)

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

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### 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] ON request and in accordance with a county board’s  
8 policies concerning residency, a county superintendent:

9 1. May allow a child to attend school in the county even if the  
10 child is not domiciled in that county with the child’s parent or guardian; and

11 2. Shall allow a dependent child of a service member who is  
12 relocating to the State on military orders to enroll in school in the county in accordance  
13 with § 7–115.1 of this subtitle.

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

16 1. The child is a child who is:

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

19 B. Subject to the educational stability provisions of the  
20 federal Fostering Connections to Success and Increasing Adoptions Act of 2008 and the  
21 Every Student Succeeds Act of 2015;

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

23 A. A detention facility;

24 B. [A forestry camp;

25 C. A training school;

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

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

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

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

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

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

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

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

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

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

27   A.     **AN INDIVIDUALIZED EDUCATION PROGRAM;**

28   B.     **A 504 PLAN;**

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

31   D.     **ANY OTHER RELEVANT DOCUMENTS AND  
32 INFORMATION.**

1                   **(III) THE DEPARTMENT, IN CONSULTATION WITH COUNTY**  
 2 **BOARDS, SHALL DEVELOP AND IMPLEMENT A PROCEDURE FOR THE**  
 3 **RE-ENROLLMENT OF A CHILD IN A FACILITY LISTED UNDER PARAGRAPH (2)(II)2 OF**  
 4 **THIS SUBSECTION BEFORE THE CHILD IS RELEASED.**

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

7                   **1. IS DESIGNED TO MEET THE CHILD'S INDIVIDUAL**  
 8 **NEEDS; AND**

9                   **2. ENSURES THAT, TO THE EXTENT PRACTICABLE, THE**  
 10 **CHILD IS ABLE TO SEAMLESSLY REINTEGRATE INTO THE CHILD'S HOME SCHOOL.**

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

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

18                   **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July**  
 19 **1, 2021.**

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.