

TO: Members of the State Board of Education

FROM: Bernard J. Sadusky, Ed.D. *BS*

DATE: August 30, 2011

SUBJECT: COMAR 13A.05.09.02 (AMEND)
Programs for Homeless Children
PERMISSION TO PUBLISH

PURPOSE:

To obtain permission to publish COMAR 13A.05.09.02 **Programs for Homeless Children, (ATTACHMENT I).**

BACKGROUND/HISTORICAL PERSPECTIVE:

The McKinney-Vento Act of 2002 addresses the educational rights of homeless children/youth. The Act includes provisions for homeless children/youth to stay in their home school (school of origin) to ensure school stability if it is deemed to be in the child's best interest.

The McKinney-Vento Act is implemented in State regulations, COMAR 13A.05.09.01 - .07. Pursuant to COMAR 13A.05.09.02B(4), a "homeless student" includes a "child awaiting foster care placement." Currently, COMAR 13A.05.09.02B(2) only recognizes certain children committed to the care and custody of the Department of Social Services as a "child awaiting foster care placement". Yet the Juvenile Court also commits children to the care and custody of the Department of Juvenile Services (DJS) for placement in foster care homes and facilities. Such commitments do not include children in secure facilities. Currently, children/youth committed to DJS who are placed in foster care homes and facilities are not entitled to the same McKinney - Vento school stability provisions as children under the care and custody of DSS who are placed in foster homes or facilities.

EXECUTIVE SUMMARY:

The proposed amendment adds some children in the custody of the DJS to the definition of "child awaiting foster care placement" so that those children would be considered homeless students under COMAR 13A.05.09.02B(4). As such, these children/youths will be entitled to the same school stability provisions set forth in the McKinney-Vento Act as other homeless students.

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ACTION:

Request permission to publish COMAR 13A.05.09.02, **Programs for Homeless Children.**

Maryland Register Issue Date	October 21, 2011
30 Day Open Comment Period Ends	November 21, 2011
Adoption	December 6-7, 2011
Tentative Effective Date	December 26, 2011

DMR:jmcg

Attachments

Amendment To Be Proposed (DRAFT)

COMAR 13A.05.09.02

.02 Definitions.

A. In this chapter the following terms have the meanings indicated.

B. Terms Defined.

(1) "Child" and "youth" means an individual who is eligible to attend public school or educational programs in Maryland including:

(a) Pre-kindergarten through 12th grade;

(b) Head Start;

(c) Even Start;

(d) Special education; or

(e) Other programs.

(2) "Child awaiting foster care placement" means:

(a) A child placed out of the child's home pursuant to a shelter care order [or a voluntary placement agreement documented] by the Department of Social Services *or the Department of Juvenile Services*; or

(b) *A child placed out of the child's home pursuant to a voluntary placement agreement documented by the Department of Social Services; or*

[(b)](c) A child [committed to] *placed in the care and custody of the Department of Social Services or the Department of Juvenile Services* who is placed into a temporary, short-term placement of not longer than 90 school days, such as in:

(i) An emergency or shelter facility;

(ii) A diagnostic center;

(iii) A psychiatric respite facility;

(iv) An emergency foster home; or

- (v) Another temporary, short-term placement, not described in subsection (d) of this Regulation.

(c) A temporary, short-term placement does not include:

- (i) Detention facilities;*
- (ii) Forestry camps;*
- (iii) Training schools;*
- (iv) Any State owned and operated facility accommodating more than 25 youth; or*
- (v) Any other facility operated primarily for the purpose of detaining youth who are determined to be delinquent and require secure custody in a physically restrictive setting.*

C. (Unchanged)

DRAFT – Amendment To Be Proposed