

Code of Maryland Regulations Currentness

Title 13A State Board of Education

Subtitle 05 Special Instructional Programs

+ Chapter 09 Programs for Homeless Children (Refs & Annos)

>> .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

(b) A child committed to the care and custody of the Department of Social 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.

(3) "Enroll" and "Enrollment" means attending classes and participating fully in school activities.

(4) Homeless Student.

(a) "Homeless student" means a child or youth who lacks a fixed, regular, or adequate nighttime place of residence.

(b) "Homeless student" includes:

(i) Children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason, are living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations, are living in emergency or transitional shelters, also referred to as transitional housing, are abandoned in hospitals, or are awaiting foster care placement;

(ii) Children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for individuals;

(iii) Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings;

(iv) Migratory children, as defined in s6399 of Title 20, who qualify as homeless for the purposes of the McKinney-Vento Act and this chapter because the children are living in circumstances as described in sB(4)(b)(i)-(iii) of this regulation; and

(v) A child awaiting foster care placement.

(5) "Local school system" means the public school system in which the student is enrolled.

(6) "McKinney-Vento Act" refers to the Stewart B. McKinney-Vento Homeless Assistance Act, Subtitle B, Amended by the No Child Left Behind Act of 2001 (P.L. 107-10), Title X, Part C, Subtitle B, Education for Homeless Children and Youth.

(7) "Parent" or "guardian" means the:

(a) Parent, individual, or public agency having legal or lawful physical custody of the homeless student;

(b) Person or public agency to whom guardianship of a child or youth has been given by order of court; or

(c) Homeless student if the student is 18 years old or older and no parent or guardian is available.

(8) "School of origin" means the school that the child or youth attended, when permanently housed or the school in which the child or youth was last enrolled.

(9) "Unaccompanied homeless youth" means a homeless youth not in the physical custody of a parent or guardian.