

Chapter 401

(House Bill 272)

AN ACT concerning

Classroom Placement – Multiple–Birth Children – Parental Discretion

FOR the purpose of authorizing the parent or guardian of multiple–birth children to request the classroom placement of the children under certain circumstances; providing for the application of this Act; requiring a parent or guardian to make a certain request in a certain manner within a certain period of time; requiring a school to provide the classroom placement requested by certain parents or guardians; authorizing a principal to determine a certain classroom placement for certain children if a certain determination is made by the principal in consultation with certain classroom teachers after a certain period of time; ~~providing that certain parents or guardians may appeal a certain classroom placement decision of a principal to the county board of education; requiring that certain children remain in a certain classroom placement during a certain appeal~~; authorizing a school to recommend a certain classroom placement to certain parents or guardians or provide certain professional advice to assist certain parents or guardians regarding classroom placement for multiple–birth children; prohibiting a county board from adopting a certain policy; defining a certain term; and generally relating to parental discretion for the classroom placement of multiple–birth children.

BY adding to

Article – Education

Section 7–120

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

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

Article – Education

7–120.

(A) IN THIS SECTION, “MULTIPLE–BIRTH CHILDREN” MEANS TWINS, TRIPLETS, QUADRUPLETS, QUINTUPLETS, OR MORE.

(B) THIS SECTION APPLIES ONLY TO CHILDREN ENTERING KINDERGARTEN THROUGH SECOND GRADE.

~~(B)~~ (C) (1) THE PARENT OR GUARDIAN OF MULTIPLE-BIRTH CHILDREN MAY REQUEST THAT THE MULTIPLE-BIRTH CHILDREN OR CERTAIN GROUPS OF THE MULTIPLE-BIRTH CHILDREN BE PLACED IN THE SAME CLASSROOM OR SEPARATE CLASSROOMS IF THE CHILDREN ARE IN THE SAME GRADE LEVEL AT THE SAME SCHOOL.

(2) THE PARENT OR GUARDIAN SHALL MAKE THE REQUEST IN WRITING TO THE SCHOOL PRINCIPAL WITHIN 14 DAYS AFTER:

(I) THE FIRST DAY OF SCHOOL; OR

(II) IF THE CHILDREN WERE ENROLLED IN THE SCHOOL AFTER THE SCHOOL YEAR HAS COMMENCED, THE FIRST DAY OF ATTENDANCE OF THE CHILDREN.

~~(C)~~ (D) EXCEPT AS PROVIDED IN SUBSECTION ~~(D)~~ (E) OF THIS SECTION, A SCHOOL SHALL PROVIDE THE CLASSROOM PLACEMENT REQUESTED BY THE PARENT OR GUARDIAN UNDER SUBSECTION ~~(B)~~ (C) OF THIS SECTION.

~~(D)~~ (E) ~~(1)~~ AT THE END OF ~~THE LATER OF THE FIRST GRADING PERIOD FOLLOWING THE CHILDREN'S ENROLLMENT OR 60~~ 30 DAYS, IF THE PRINCIPAL OF THE SCHOOL, IN CONSULTATION WITH THE TEACHER OF EACH CLASSROOM IN WHICH THE CHILDREN ARE PLACED, DETERMINES THAT THE REQUESTED CLASSROOM PLACEMENT IS DISRUPTIVE TO THE SCHOOL, THE PRINCIPAL MAY DETERMINE THE APPROPRIATE CLASSROOM PLACEMENT FOR THE CHILDREN.

~~(2)~~ ~~(I)~~ ~~A PARENT OR GUARDIAN MAY APPEAL A DECISION OF THE PRINCIPAL UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE COUNTY BOARD.~~

~~(II)~~ ~~DURING AN APPEAL TAKEN UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE CHILDREN SHALL REMAIN IN THE CLASSROOM CHOSEN BY THE PARENT OR GUARDIAN.~~

~~(E)~~ (F) THE SCHOOL MAY:

(1) RECOMMEND TO A PARENT OR GUARDIAN THE APPROPRIATE CLASSROOM PLACEMENT FOR THE MULTIPLE-BIRTH CHILDREN; OR

(2) PROVIDE PROFESSIONAL EDUCATIONAL ADVICE TO ASSIST A PARENT OR GUARDIAN REGARDING CLASSROOM PLACEMENT FOR THE MULTIPLE-BIRTH CHILDREN.

~~(F)~~ (G) A COUNTY BOARD MAY NOT ADOPT A CLASSROOM PLACEMENT POLICY OF AUTOMATICALLY SEPARATING OR PLACING TOGETHER MULTIPLE-BIRTH CHILDREN.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.

Approved by the Governor, May 4, 2010.