

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	10/27/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 12/1/2014

2. COMAR Codification

Title Subtitle Chapter Regulation

07 02 11 12

3. Name of Promulgating Authority

Department of Human Resources

4. Name of Regulations Coordinator

Andrea Shuck

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4102607787

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5. Name of Person to Call About this Document

Jacqueline Powell

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410-767-6948

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6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: September 16, 2014.

Repeal of Existing Regulations

Recodification

Incorporation by Reference of Documents Requiring DSD Approval

Reproposal of Substantively Different Text:

: Md. R
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Kelly James, Assistant Attorney General, (telephone #410-767-7726) on October 1, 2014. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Ted Dallas

Title

Secretary

Telephone No.

410-767-7193

Date

October 21, 2014

Title 07
DEPARTMENT OF HUMAN RESOURCES
Subtitle 02 SOCIAL SERVICES ADMINISTRATION

07.02.11 Out-of-Home Placement Program

Authority: Courts and Judicial Proceedings Article, §3-801, 3-802, 3-815, 3-816.1, 3-817, 3-819.1, 3-819.2, 3-820, and 3-823; Education Article, §7-101(b) and 15-106.1; Family Law Article, §5-501, 5-504, 5-524—5-534, 5-701, and 5-709; Human Services Article, §9-101 et seq. and Annotated Code of Maryland (Agency Note: Federal Regulatory Reference: 42

Notice of Proposed Action

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The Secretary of the Department of Human Resources proposes to Regulation .12 under COMAR 07.02.11 Out-of-Home Placement Program.

Statement of Purpose

The purpose of this action is to revise Regulation .12, in order to recognize the rights that youth “awaiting foster care placement” have as set forth in the McKinney-Vento Act of 1987 and defined in COMAR 13A.05.09.02. In addition the revision will strengthen the language to require the local department of social services to seek input during the “best interest determination process” from persons who are able to contribute relevant information regarding the educational needs of the child.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Andrea Shuck, Regulations Coordinator, Department of Human Resources, 301 W. Saratoga Street, Room 265, Baltimore, MD 21201, or call 410-767-2149, or email to andrea.shuck@maryland.gov, or fax to 410-333-0637.

Comments will be accepted through January 1, 2015. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2015

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

General Funds.

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

Existing resources will be used to implement the regulation.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

G. Small Business Worksheet:

Attached Document:

.12 Education for the Child in Out-of-Home Placement.

A. (text unchanged)

B. School Stability

(1) With respect to a child who is the custody of, committed to, or otherwise placed by the local department of social services in out-of-home placement, the local department shall determine whether it is in the child's best interests to continue the child's education at the school the child last attended prior to the most recent change in placement, *except for "a child awaiting foster care placement" as set forth in the McKinney-Vento Act of 1987 and defined in COMAR 13A.05.09.02.*

(2) (text unchanged)

(3) The local department of social services [may] *shall make efforts to* seek input from the child's attorney, parent, parent surrogate, legal guardian and other persons who are able to contribute relevant information to the best interests determination made under this section, *unless doing so will create undue delay in placement.*

(4) – (6) (text unchanged)

C.-L. (text unchanged)

