

MARYLAND REGISTER

Proposed Action on Regulations

Comparison to Federal Standards Submission and Response

Name: Charlene L Necessary
Agency: Maryland State Department of
Education
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State: MD
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In accordance with Executive Order 01.01.1996.03 and memo dated July 26, 1996, the attached document is submitted to the Department of Business and Economic Development for review.

The Proposed Action is not more restrictive or stringent than corresponding federal standards.

COMAR Codification: 13A.08.07.06

Corresponding Federal Standard:

The Federal Fostering Connection to Success and increasing Adoptions Act of 2008.

Discussion/Justification:

The Federal Fostering Connection to Success and increasing Adoptions Act of 2008 (Fostering Connections Act) contains provisions to promote the educational stability of children in foster care. It requires child welfare agencies to coordinate with local education systems to ensure that children subject to the Act remain in the school in which the child was enrolled at the time of placement, if doing so is in the best interest of the child, or be immediately enrolled in a new school.

TO BE COMPLETED BY DBED

- Agree

-Disagree

Comments:

DBED does not have expertise in this matter and but believes the MSDE does and as such believes

their assertion that the regulations are not more restrictive or stringent than corresponding federal standards.

Name: Sandy Popp

Date: 3/11/2015

_ -Submit to Governor's Office
Governor's Office Response

Comments:

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	03/12/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 4/17/2015

2. COMAR Codification

Title	Subtitle	Chapter	Regulation
13A	08	07	06

3. Name of Promulgating Authority

Maryland State Department of Education

4. Name of Regulations Coordinator

Charlene L Necessary

Telephone Number

410-767-0467

Mailing Address

200 W. Baltimore Street

Title 13A A STATE BOARD OF EDUCATION

Subtitle 08 STUDENTS

13A.08.07 Transfer of Educational Records for Children in State-Supervised Care

Authority: Education Article, §§2-205, 2-206, 4-122, and 8-501—8-506, Annotated Code of Maryland

Notice of Proposed Action

□

The Maryland State Board of Education proposes to adopt new Regulation .06 under COMAR 13A.08.07 Transfer of Educational Records for Children in State-Supervised Care.

This action was considered at the December 16, 2014 meeting of the State Board of Education.

Statement of Purpose

The purpose of this action is to promote the educational stability of children in foster care.

Comparison to Federal Standards

City Baltimore **State** MD **Zip Code** 21201

Email
cnecessary@msde.state.md.us

5. Name of Person to Call About this Document **Telephone No.**
John McGinnis 410-767-0295

Email Address
john.mcginnis@maryland.gov

6. Check applicable items:

- New Regulations
- Amendments to Existing Regulations
Date when existing text was downloaded from COMAR online: .
- 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

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

Estimate of Economic Impact

I. Summary of Economic Impact.

There will be costs associated with transportation of foster children. All transportation costs will be the responsibility of the Local Departments of Social Services.

Revenue
(R+/R-)

II. Types of Economic Impact.

Expenditure (E+/E-) Magnitude

A. On issuing agency: NONE

B. On other State agencies: (E+) Unknown

C. On local governments: NONE

Benefit (+) Magnitude
Cost (-) e

D. On regulated industries or trade groups: NONE

E. On other industries or trade groups: NONE

F. Direct and indirect: NONE

held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

X- 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 Jacqueline La Fiandra, Assistant Attorney General, (telephone #410-576-6465) on February 9, 2015. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Lillian M. Lowery, Ed.D.

Title

State Superintendent of Schools

Telephone No.

410-767-0467

Date

February 11, 2015

effects on public:

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

B. Costs for transportation of foster children will be the responsibility of Local Departments of Social Services.

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 John T. McGinnis, Pupil Personnel and School Social Worker Specialist, Division of Student, Family and School Support, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0295(TTY:410-333-6442), or email to john.mcginis@maryland.gov, or fax to 410-333-8148. Comments will be accepted through May 18, 2015. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on June 23, 2015, 9:00 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

**Economic Impact Statement Part
C**

A. Fiscal Year in which regulations will become effective: FY 2014

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

No

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

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

No Maryland State Department of Education or local education agencies funds will be required. Costs for transportation will be the responsibility of the local Department of Social Services. The transportation will be provided by local education agency with reimbursement by local Department of Social Services.

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

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:

Title 13A STATE BOARD OF EDUCATION

Subtitle 08 STUDENTS

Chapter 07 Transfer of Educational Records for Children in State-Supervised Care

Authority: Education Article, §§2-205, 2-206, 4-122, and 8-501—8-506, Annotated Code of Maryland

ALL NEW MATERIAL

.06 School Stability.

A. Scope. Children in foster care are children in State-supervised care to whom special provisions apply under the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 and under Education Article, §7-101(b)(2)(ii), Annotated Code of Maryland. The purpose of this regulation is to implement the educational stability requirements of those laws.

B. Terms Defined. In this regulation, the following terms have the meaning indicated.

(1) Foster Child.

(a) "Foster child" means a child in the custody of, committed to, or otherwise placed by a local department of social services or the Department of Juvenile Services;

(b) "Foster child" does not include a "child awaiting foster care placement" as defined in COMAR 13A.05.09.02B and a child in any of the following placements:

(i) A detention facility;

(ii) A forestry camp;

(iii) A training school;

(iv) A State-owned and State-operated facility that accommodates more than 25 children; or

(v) Any other facility operated primarily for the detention of children who are determined to be delinquent.

(2) "Child welfare agency" means local department of social services or Department of Juvenile Services.

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

(4) "School of origin" means the school the foster child attended prior to the original placement or prior to the most recent change in placement by the child welfare agency.

(5) "Receiving school" means the school serving the geographic attendance area where the child welfare agency has placed the foster child.

(6) "Receiving school system" means the school system serving the jurisdiction where the child welfare agency has placed the foster child.

C. In accordance with Education Article, §7-101(b)(2)(ii), the local school system superintendent of the school of origin shall allow a foster child to remain enrolled in the school of origin unless the child welfare agency responsible for the child provides notice to the principal of the school of origin and the Fostering Connections liaison in the receiving school system that it is not in the best interest of the child to remain enrolled in the school of origin.

D. If the child welfare agency has determined that it is not in the best interest of the foster child to remain at the school of origin, the receiving school shall immediately enroll the child once a person authorized to enroll the child initiates the enrollment.

E. The receiving school shall immediately enroll the child even if the child welfare agency is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation.

F. Notwithstanding any other enrollment documentation requirements of the receiving school, at the time of enrollment the receiving school may not require the person authorized to enroll the child to present more than documentation that the child is in the care of the child welfare agency and the address where the child has been placed.

G. The school of origin shall transmit the foster child's educational records to the receiving school in accordance with Education Article, §8-504, Annotated Code of Maryland, and Regulation .03 of this chapter upon receipt of notice from the receiving school that the child is attending school there.

H. Transportation to School of Origin.

(1) If the foster child remains enrolled in the school of origin, the receiving school system shall provide transportation for the foster child to attend the school of origin based on a written agreement with the child welfare agency for reimbursement of the transportation costs, unless the child welfare agency decides that it will provide the transportation.

(2) The receiving local school system shall provide the child welfare agency with documentation of transportation reimbursement rates.

(3) Section E(1) of this regulation shall not be construed as precluding the child welfare agency from making its own transportation arrangements or excusing the child welfare agency from its obligation to provide transportation to the foster child in the absence of an agreement with the receiving school system.

I. Fostering Connections Liaison.

(1) Each school system shall designate an individual as the Fostering Connections liaison.

(2) The Fostering Connections liaison for the receiving local school system shall:

(a) Coordinate with the child welfare agency regarding the continued enrollment of the foster child in the school of origin in accordance with Education Article, §7-101(b)(2)(ii), Annotated Code of Maryland, or enrollment at the receiving school;

(b) Serve as the initial school system contact with whom the child welfare agency communicates regarding the best interests determination and transportation for the foster child;

(c) Communicate with the school of origin and the Fostering Connections liaison in the jurisdiction of the school of origin regarding school placement after the child welfare agency has communicated its best interests determination;

(d) Facilitate the transfer of the child's educational records from the school of origin to the receiving school;

(e) Request periodic updates from the child welfare agency regarding the foster child's continued attendance at the school of origin; and

(f) Communicate the educational stability requirements of the Fostering Connections to Success and Increasing Adoptions Act of 2008 to appropriate school personnel.

(3) The Fostering Connections liaison may be the same individual who serves as the homeless education coordinator for the local school system.

END ALL NEW MATERIAL

LILLIAN M. LOWERY, Ed.D.
State Superintendent of Schools