

MARYLAND REGISTER

## Proposed Action on Regulations

### Comparison to Federal Standards Submission and Response

**Name:** Charlene L Necessary  
**Agency:** Maryland State Department of Education  
**Address:** 200 W. Baltimore Street  
**State:** MD  
**Zip:** 21201  
**Phone:** 410-767-0467  
**Email:** charlene.necessary@maryland.gov

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 subject matter expertise in this matter. However, DBED believes MSDE does and

trusts their assertion that the regulation is not more stringent/restrictive than federal standards.

Name: Sandy Popp

Date: 8/7/2015

\_Submit to Governor's Office  
**Governor's Office Response**

**Comments:**

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
	08/27/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

**1. Desired date of publication in Maryland Register: 9/18/2015**

**2. COMAR Codification**

<b>Title</b>	<b>Subtitle</b>	<b>Chapter</b>	<b>Regulation</b>
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 repropose new Regulation .06 under COMAR 13A.08.07 Transfer of Educational Records for Children in State-Supervised Care. The Proposed Action was published in the Md. Register, Volume 42, Issue 8, February, April 17, 2015.

This action was considered at the July 28, 2015 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.

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

**Email**  
charlene.necessary@maryland.gov

**5. Name of Person to Call About this Document** **Telephone No.**  
John T. 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: April 1, 2015.
- Repeal of Existing Regulations
- Recodification
- Incorporation by Reference of Documents Requiring DSD Approval
- Reproposal of Substantively Different Text:

42: 8	Md. 614- R 615	4/17/15
(vol.) (issue)	(page nos)	(date)

Under Maryland Register docket no.: 15-114-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

**Comparison to Federal Standards**

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

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A. On issuing agency: NONE

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

C. On local governments: NONE

:

Benefit (+) Magnitude  
Cost (-) e

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D. On regulated industries or trade groups: NONE

E. On other industries or trade groups: NONE

action was considered at an open meeting 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 Jackie La Fiandra, Assistant Attorney General, (telephone #410-576-6465) on August 3, 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**

August 3, 2015

F. Direct and indirect effects on public: NONE

**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 November 2, 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 December 8,

2015, 9 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 2016

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:

## 13A 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

##### **.06 School Stability.**

A. (originally proposed text unchanged)

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

(1)—(4) (originally proposed text unchanged)

(5) “Receiving school system” means the local school system serving the jurisdiction where the child welfare agency has placed the foster child.

(6) “School of origin” means the school the foster child attended prior to the most recent change ~~[[original placement or prior to the most recent change]]~~ in placement by the child welfare agency.

(7) “School system of origin” means the local school system serving the jurisdiction where the school of origin is located.

C. In accordance with Education Article, §7-101(b)(2)(ii), Annotated Code of Maryland, 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 interests of the child to remain enrolled in the school of origin, pursuant to the procedures set forth in COMAR 07.02.11.12B.

D. If the child welfare agency has determined that it is not in the best interests 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 foster 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 foster child to present more than documentation that the child is in the care of the child welfare agency and a written statement of the address where the child has been placed.

G. (originally proposed text unchanged)

H. *Transportation to School of Origin.*

(1)—(2) (originally proposed text unchanged)

(3) Section ~~[[E(1)]]~~ H(L) of this regulation shall not ~~[[be construed as]]~~ :

~~[[precluding]]~~ (a) Preclude the child welfare agency from making its own transportation arrangements, including arrangements with the school system of origin if it is different than the receiving school system; or

~~[[excusing]]~~ Excuse 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 local school system shall designate an individual as the Fostering Connections liaison.

(2) The Fostering Connections liaison for the school system of origin shall consult with the child welfare agency about whether it is in the best interests of the foster child to continue the child’s education at the school of origin.

~~[[2]]~~ (3) The Fostering Connections liaison for the ~~[[receiving]]~~ local school system where the foster child will attend school after a change in placement and best interests determination 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)]~~ *(b) If the foster child transfers schools, ~~[(F)]~~ facilitate the transfer of the child's educational records from the school of origin to the receiving school; and*

~~[(e)]~~ *(c) ~~[(Request periodic updates from)]~~ Communicate with the child welfare agency regarding the foster child's ~~[(continued)]~~ attendance and performance at ~~[(the)]~~ school, ~~[(of origin; and)]~~*

*(4) If the child welfare agency arranges transportation with the receiving school system, the Fostering Connections liaison for the receiving school system will serve as the initial school system contact to help facilitate transportation arrangements.*

~~[(f)]~~ *(5) The Fostering Connections liaison for each local school system shall ~~[(C)]~~ communicate the educational stability requirements of the Fostering Connections to Success and Increasing Adoptions Act of 2008 to appropriate school personnel.*

~~[(3)]~~(6) (originally proposed text unchanged)

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