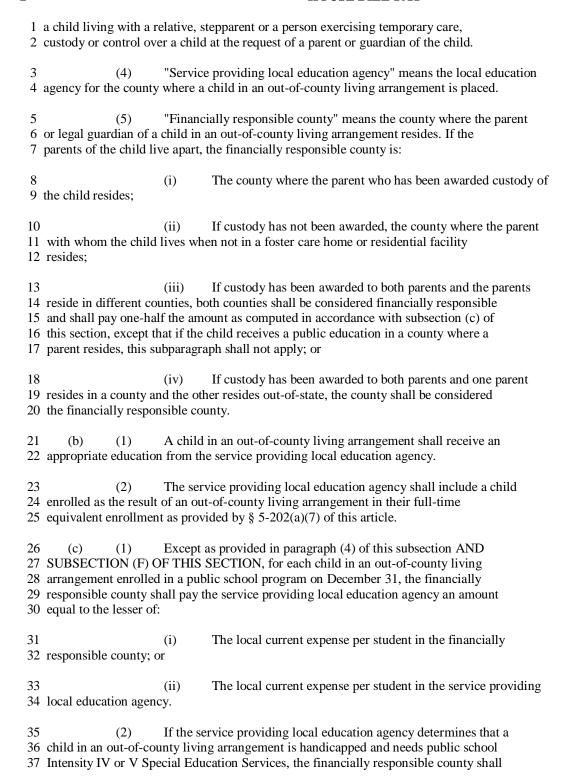
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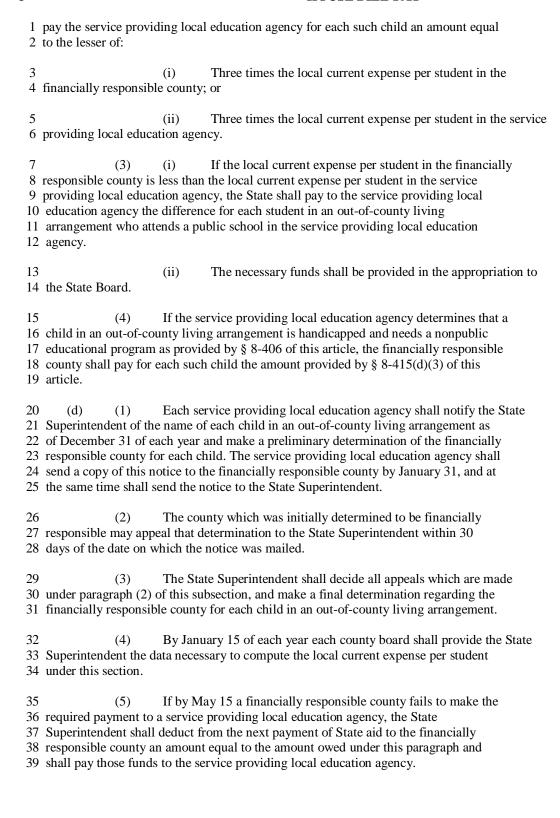
By: **Delegates Zirkin, Amedori, and O'Donnell** Introduced and read first time: February 14, 2003 Assigned to: Rules and Executive Nominations

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	A BILL ENTITLED
1	AN ACT concerning
2	Department of Juvenile Justice - Children in Out-of-County Living Arrangements
4 5 6 7 8 9	FOR the purpose of requiring certain children placed in an out-of-county living arrangement to receive an appropriate education from the service providing local education agency; requiring the financially responsible county to pay certain expenses; requiring the State Board of Education in collaboration with the Department of Juvenile Justice to adopt regulations; and generally relating to the Department of Juvenile Justice and children in out-of-county living arrangements.
11 12 13 14 15	Section 4-122 Annotated Code of Maryland
16 17	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
18	Article - Education
19	4-122.
20	(a) (1) In this section the following words shall have the meanings indicated.
23	(2) "Local current expense per student" means all expenditures made by a county from county appropriations, except State, federal, and other aid, for public elementary and secondary education in the prior fiscal year, divided by the full-time equivalent enrollment, as defined in § 5-202(a) of this article.
27	(3) "Child in an out-of-county living arrangement" means a child who is placed by a State agency, a licensed child placement agency as provided by § 5-507 of the Family Law Article, or a court in a county other than where the child's parent or legal guardian resides. Child in an out-of-county living arrangement does not include



## **HOUSE BILL 1011**



## **HOUSE BILL 1011**

- 1 (e) Out-of-state agencies that place a child in a foster care home or
- 2 residential facility in Maryland shall be liable for the costs of such child's education,
- 3 including transportation.
- 4 (f) (1) A CHILD WHO IS TEMPORARILY OR PERMANENTLY PLACED IN AN
- 5 OUT-OF-COUNTY LIVING ARRANGEMENT BY THE DEPARTMENT OF JUVENILE
- 6 JUSTICE AND ENROLLED IN A PUBLIC SCHOOL PROGRAM AT ANY TIME DURING THE
- 7 SCHOOL YEAR SHALL RECEIVE AN APPROPRIATE EDUCATION FROM THE SERVICE
- 8 PROVIDING LOCAL EDUCATION AGENCY.
- 9 (2) THE FINANCIALLY RESPONSIBLE COUNTY SHALL PAY TO THE
- 10 SERVICE PROVIDING LOCAL EDUCATION AGENCY AN AMOUNT EQUAL TO THE
- 11 LESSER OF:
- 12 (I) THE LOCAL CURRENT EXPENSE PER STUDENT IN THE
- 13 FINANCIALLY RESPONSIBLE COUNTY; OR
- 14 (II) THE LOCAL CURRENT EXPENSE PER STUDENT IN THE SERVICE
- 15 PROVIDING LOCAL EDUCATION AGENCY.
- 16 (3) IF THE SERVICE PROVIDING LOCAL EDUCATION AGENCY
- 17 DETERMINES THAT A CHILD IN AN OUT-OF-COUNTY LIVING ARRANGEMENT IS
- 18 HANDICAPPED AND NEEDS PUBLIC SCHOOL INTENSITY IV OR V SPECIAL EDUCATION
- 19 SERVICES, THE FINANCIALLY RESPONSIBLE COUNTY SHALL PAY THE SERVICE
- 20 PROVIDING LOCAL EDUCATION AGENCY FOR EACH SUCH CHILD AN AMOUNT EQUAL
- 21 TO THE LESSER OF:
- 22 (I) THREE TIMES THE LOCAL CURRENT EXPENSE PER STUDENT IN
- 23 THE FINANCIALLY RESPONSIBLE COUNTY; OR
- 24 (II) THREE TIMES THE LOCAL CURRENT EXPENSE PER STUDENT IN
- 25 THE SERVICE PROVIDING LOCAL EDUCATION AGENCY.
- 26 (4) THE STATE BOARD, IN CONSULTATION WITH THE DEPARTMENT OF
- 27 JUVENILE JUSTICE, SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SUBSECTION.
- 28 (G) [The] EXCEPT AS PROVIDED UNDER SUBSECTION (F) OF THIS SECTION,
- 29 THE State Board may adopt regulations which implement this section.
- 30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 31 October 1, 2003.