

SENATE BILL 32

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SB 186/02 - EHE

2003 Regular Session
3r0441

By: **Senators Kelley, Hollinger, Britt, Colburn, Conway, Della, Giannetti, Gladden, Grosfeld, Hooper, Jacobs, Jones, Lawlah, Mooney, Stoltzfus, and Teitelbaum**

Introduced and read first time: January 13, 2003
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 24, 2003

CHAPTER _____

1 AN ACT concerning

2 **Education - Children in ~~Out-of-County Living Arrangements~~ - Informal**
3 **Kinship Care Relationships**

4 FOR the purpose of providing for the funding of the education of a child in an informal
5 kinship care relationship due to a serious family hardship under certain
6 circumstances; requiring a child in an informal kinship care relationship to
7 receive an appropriate education; providing that a certain child shall be
8 included in a certain enrollment count; requiring a certain agency to notify the
9 State Superintendent of Schools of the name of each child in an informal kinship
10 care relationship in that county; requiring a certain agency to notify the State
11 Superintendent of a certain preliminary determination regarding the financially
12 responsible local education agency for a certain child; establishing certain notice
13 requirements; authorizing a certain agency to appeal a certain determination;
14 requiring the State Superintendent to decide certain appeals and to make a
15 certain determination; requiring each county board of education to provide
16 certain data to the State Superintendent; requiring the State Superintendent to
17 deduct a certain payment to a certain agency under certain circumstances;
18 requiring the State Board of Education to adopt certain regulations; requiring a
19 superintendent of schools of a county to allow a child to attend a public school in
20 a county other than where the child was previously domiciled in Maryland with
21 the child's parent or legal guardian if the child lives with a relative in the county
22 in an informal kinship care relationship due to a serious family hardship;
23 ~~altering a certain definition;~~ defining certain terms; requiring certain relatives
24 of a child to file certain affidavits and certain supporting documentation under
25 certain circumstances; requiring certain supporting documentation to be
26 consistent with certain privacy and confidentiality policies and statutes;

1 establishing the contents and form of certain affidavits; requiring certain
 2 affidavits to be provided free of charge at certain offices; authorizing certain
 3 relatives to make educational decisions for children in their custody; requiring
 4 each county board of education to report certain information to the Maryland
 5 State Department of Education on or before certain dates; requiring the
 6 Department to compile and submit certain information to certain legislative
 7 committees; and generally relating to children ~~in out-of-county living~~
 8 arrangements who live with relatives who provide informal kinship care due to
 9 a serious family hardship.

10 BY renumbering

11 Article - Education
 12 Section 7-101(c)
 13 to be Section ~~7-101(d)~~ 7-101(e)
 14 Annotated Code of Maryland
 15 (2001 Replacement Volume and 2002 Supplement)

16 BY repealing and reenacting, with amendments,

17 Article - Education
 18 Section ~~4-122(a)~~ and 7-101(b)
 19 Annotated Code of Maryland
 20 (2001 Replacement Volume and 2002 Supplement)

21 BY adding to

22 Article - Education
 23 Section 4-122.1 and 7-101(c) and (d)
 24 Annotated Code of Maryland
 25 (2001 Replacement Volume and 2002 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 27 MARYLAND, That Section(s) 7-101(c) of Article - Education of the Annotated Code of
 28 Maryland be renumbered to be Section(s) ~~7-101(d)~~ 7-101(e).

29 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 30 read as follows:

31 **Article - Education**

32 ~~4-122.~~

33 (a) (1) ~~In this section the following words shall have the meanings indicated.~~

34 (2) ~~"Local current expense per student" means all expenditures made by~~
 35 ~~a county from county appropriations, except State, federal, and other aid, for public~~
 36 ~~elementary and secondary education in the prior fiscal year, divided by the full time~~
 37 ~~equivalent enrollment, as defined in § 5-202(a) of this article.~~

1 (3) "~~Child in an out of county living arrangement~~" means a child who is:

2 (I) ~~[placed] PLACED~~ by a State agency, a licensed child placement
3 agency as provided by § 5-507 of the Family Law Article, or a court in a county other
4 than where the child's parent or legal guardian ~~[resides. Child in an out of county~~
5 ~~living arrangement does not include a child] RESIDES; OR~~

6 (II) ~~[living] DOMICILED~~ with a ~~[relative, stepparent or a person~~
7 ~~exercising temporary care, custody or control over a child at the request of a parent or~~
8 ~~guardian of the child] RELATIVE WHO EXERCISES CARE, CUSTODY, AND CONTROL~~
9 ~~OVER THE CHILD 24 HOURS A DAY AND 7 DAYS A WEEK AND WHO PROVIDES~~
10 ~~INFORMAL KINSHIP CARE, AS DEFINED IN § 7-101 OF THIS ARTICLE, FOR THE CHILD.~~

11 (4) "~~Service providing local education agency~~" means the local education
12 agency for the county where a child in an out of county living arrangement is placed.

13 (5) "~~Financially responsible county~~" means the county where the parent
14 or legal guardian of a child in an out of county living arrangement resides. If the
15 parents of the child live apart, the financially responsible county is:

16 (i) ~~The county where the parent who has been awarded custody of~~
17 ~~the child resides;~~

18 (ii) ~~If custody has not been awarded, the county where the parent~~
19 ~~with whom the child lives when not in a foster care [home] HOME, IN THE HOME OF~~
20 ~~AN INFORMAL KINSHIP CARE PROVIDER, or residential facility resides;~~

21 (iii) ~~If custody has been awarded to both parents and the parents~~
22 ~~reside in different counties, both counties shall be considered financially responsible~~
23 ~~and shall pay one half the amount as computed in accordance with subsection (c) of~~
24 ~~this section, except that if the child receives a public education in a county where a~~
25 ~~parent resides, this subparagraph shall not apply; or~~

26 (iv) ~~If custody has been awarded to both parents and one parent~~
27 ~~resides in a county and the other resides out of state, the county shall be considered~~
28 ~~the financially responsible county.~~

29 4-122.1.

30 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
31 INDICATED.

32 (2) "INFORMAL KINSHIP CARE" MEANS A LIVING ARRANGEMENT IN
33 WHICH A RELATIVE OF A CHILD, WHO IS NOT IN THE CARE, CUSTODY, OR
34 GUARDIANSHIP OF THE LOCAL DEPARTMENT OF SOCIAL SERVICES, PROVIDES FOR
35 THE CARE AND CUSTODY OF THE CHILD DUE TO A SERIOUS FAMILY HARDSHIP.

36 (3) "LOCAL CURRENT EXPENSE PER STUDENT" MEANS ALL
37 EXPENDITURES MADE BY A COUNTY FROM COUNTY APPROPRIATIONS, EXCEPT
38 STATE, FEDERAL, AND OTHER AID, FOR PUBLIC ELEMENTARY AND SECONDARY

1 EDUCATION IN THE PRIOR FISCAL YEAR, DIVIDED BY THE FULL-TIME EQUIVALENT
2 ENROLLMENT, AS DEFINED IN § 5-202(A) OF THIS ARTICLE.

3 (4) "RECEIVING AGENCY" MEANS THE LOCAL EDUCATION AGENCY FOR
4 THE COUNTY WHERE THE RELATIVE OF A CHILD IN AN INFORMAL KINSHIP CARE
5 RELATIONSHIP RESIDES.

6 (5) "RELATIVE" MEANS AN ADULT RELATED TO THE CHILD BY BLOOD OR
7 MARRIAGE WITHIN THE FIFTH DEGREE OF CONSANGUINITY.

8 (6) "SENDING AGENCY" MEANS THE LOCAL EDUCATION AGENCY FOR A
9 COUNTY WHERE THE PARENT OR LEGAL GUARDIAN OF A CHILD IN AN INFORMAL
10 KINSHIP CARE RELATIONSHIP RESIDES, SUBJECT TO THE FOLLOWING CONDITIONS:

11 (I) IF THE PARENTS OR LEGAL GUARDIANS OF THE CHILD LIVE
12 APART, THE SENDING AGENCY IS THE LOCAL EDUCATION AGENCY IN THE COUNTY
13 WHERE THE PARENT OR LEGAL GUARDIAN WHO HAS BEEN AWARDED CUSTODY OF
14 THE CHILD RESIDES;

15 (II) IF CUSTODY HAS NOT BEEN AWARDED TO A PARENT OR LEGAL
16 GUARDIAN, THE SENDING AGENCY IS THE LOCAL EDUCATION AGENCY OF THE
17 COUNTY WHERE THE PARENT OR LEGAL GUARDIAN WITH WHOM THE CHILD LIVES
18 WHEN NOT IN AN INFORMAL KINSHIP CARE RELATIONSHIP RESIDES;

19 (III) IF CUSTODY HAS BEEN AWARDED TO BOTH PARENTS OR LEGAL
20 GUARDIANS, AND THE PARENTS OR LEGAL GUARDIANS RESIDE IN DIFFERENT
21 COUNTIES, THE LOCAL EDUCATION AGENCIES OF BOTH COUNTIES SHALL BE
22 CONSIDERED A SENDING AGENCY AND SHALL PAY ONE-HALF THE AMOUNT AS
23 COMPUTED IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION, EXCEPT THAT
24 IF A CHILD RECEIVES A PUBLIC EDUCATION IN A COUNTY WHERE A PARENT
25 RESIDES, THIS SUBPARAGRAPH SHALL NOT APPLY; AND

26 (IV) IF CUSTODY HAS BEEN AWARDED TO BOTH PARENTS OR LEGAL
27 GUARDIANS, AND ONE PARENT RESIDES IN A COUNTY AND THE OTHER RESIDES
28 OUT-OF-STATE, THE LOCAL EDUCATION AGENCY OF THE COUNTY SHALL BE
29 CONSIDERED THE SENDING AGENCY.

30 (7) "SERIOUS FAMILY HARDSHIP" MEANS:

31 (I) DEATH OF A PARENT OR LEGAL GUARDIAN OF THE CHILD;

32 (II) SERIOUS ILLNESS OF A PARENT OR LEGAL GUARDIAN OF THE
33 CHILD;

34 (III) DRUG ADDICTION OF A PARENT OR LEGAL GUARDIAN OF THE
35 CHILD;

36 (IV) INCARCERATION OF A PARENT OR LEGAL GUARDIAN OF THE
37 CHILD;

1 (V) ABANDONMENT BY A PARENT OR LEGAL GUARDIAN OF A
2 CHILD; OR

3 (VI) ASSIGNMENT OF A PARENT OR LEGAL GUARDIAN OF A CHILD
4 TO ACTIVE MILITARY DUTY.

5 (B) SUBSECTION (D) OF THIS SECTION SHALL APPLY TO THE EDUCATION
6 FUNDING OF A CHILD IN AN INFORMAL KINSHIP CARE RELATIONSHIP IF THE FISCAL
7 IMPACT OF THE REQUIREMENTS OF § 7-101(C) OF THIS ARTICLE TO A COUNTY
8 EXCEEDS 0.1% OF A COUNTY BOARD'S TOTAL OPERATING BUDGET FOR A FISCAL
9 YEAR.

10 (C) (1) A CHILD IN AN INFORMAL KINSHIP CARE RELATIONSHIP SHALL
11 RECEIVE AN APPROPRIATE EDUCATION FROM THE RECEIVING AGENCY.

12 (2) THE RECEIVING AGENCY SHALL INCLUDE A CHILD ENROLLED AS
13 THE RESULT OF AN INFORMAL KINSHIP CARE RELATIONSHIP IN ITS FULL-TIME
14 EQUIVALENT ENROLLMENT AS PROVIDED BY § 5-202(A) OF THIS ARTICLE.

15 (D) (1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, AND EXCEPT AS
16 PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, FOR EACH CHILD IN AN
17 INFORMAL KINSHIP CARE RELATIONSHIP ENROLLED IN A PUBLIC SCHOOL
18 PROGRAM, THE SENDING AGENCY SHALL PAY THE RECEIVING AGENCY AN AMOUNT
19 EQUAL TO THE LESSER OF:

20 (I) THE LOCAL CURRENT EXPENSE PER STUDENT UNDER THE
21 JURISDICTION OF THE SENDING AGENCY; OR

22 (II) THE LOCAL CURRENT EXPENSE PER STUDENT UNDER THE
23 JURISDICTION OF THE RECEIVING AGENCY.

24 (2) IF THE RECEIVING AGENCY DETERMINES THAT A CHILD IN AN
25 INFORMAL KINSHIP CARE RELATIONSHIP IS DISABLED AND NEEDS PUBLIC SCHOOL
26 INTENSITY IV OR V SPECIAL EDUCATION SERVICES, THE SENDING AGENCY SHALL
27 PAY THE RECEIVING AGENCY FOR EACH SUCH CHILD AN AMOUNT EQUAL TO THE
28 LESSER OF:

29 (I) THREE TIMES THE LOCAL CURRENT EXPENSE PER STUDENT
30 UNDER THE JURISDICTION OF THE SENDING AGENCY; OR

31 (II) THREE TIMES THE LOCAL CURRENT EXPENSE PER STUDENT
32 UNDER THE JURISDICTION OF THE RECEIVING AGENCY.

33 (3) IF THE RECEIVING AGENCY DETERMINES THAT A CHILD IN AN
34 INFORMAL KINSHIP CARE RELATIONSHIP IS DISABLED AND NEEDS A NONPUBLIC
35 EDUCATIONAL PROGRAM AS PROVIDED BY § 8-406 OF THIS ARTICLE, THE SENDING
36 AGENCY SHALL PAY FOR EACH SUCH CHILD THE AMOUNT PROVIDED BY § 8-415(D)(3)
37 OF THIS ARTICLE.

38 (E) (1) EACH RECEIVING AGENCY SHALL:

1 (I) NOTIFY THE STATE SUPERINTENDENT OF THE NAME OF EACH
2 CHILD IN AN INFORMAL KINSHIP CARE RELATIONSHIP AS OF DECEMBER 31 OF EACH
3 YEAR; AND

4 (II) SUBJECT TO SUBSECTION (B) OF THIS SECTION, MAKE A
5 PRELIMINARY DETERMINATION OF THE SENDING AGENCY THAT IS FINANCIALLY
6 RESPONSIBLE FOR EACH CHILD UNDER SUBSECTION (D) OF THIS SECTION.

7 (2) THE RECEIVING AGENCY SHALL SEND A COPY OF THE NOTICE
8 REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE SENDING AGENCY
9 BY JANUARY 31, AND, AT THE SAME TIME, SHALL SEND NOTICE TO THE STATE
10 SUPERINTENDENT.

11 (3) THE SENDING AGENCY THAT WAS DETERMINED TO BE FINANCIALLY
12 RESPONSIBLE UNDER THIS SUBSECTION MAY APPEAL THAT DETERMINATION TO
13 THE STATE SUPERINTENDENT WITHIN 30 DAYS OF THE DATE ON WHICH THE NOTICE
14 WAS MAILED.

15 (4) THE STATE SUPERINTENDENT SHALL DECIDE ALL APPEALS THAT
16 ARE MADE UNDER PARAGRAPH (3) OF THIS SUBSECTION AND MAKE A FINAL
17 DETERMINATION REGARDING THE SENDING AGENCY'S FINANCIAL RESPONSIBILITY
18 FOR EACH CHILD IN AN INFORMAL KINSHIP CARE RELATIONSHIP UNDER THE
19 JURISDICTION OF THE RECEIVING AGENCY.

20 (5) BY JANUARY 15 OF EACH YEAR, EACH COUNTY BOARD SHALL
21 PROVIDE THE STATE SUPERINTENDENT THE DATA NECESSARY TO COMPUTE THE
22 LOCAL CURRENT EXPENSE PER STUDENT UNDER THIS SECTION.

23 (6) IF BY MAY 15 A SENDING AGENCY HAS FAILED TO MAKE THE
24 REQUIRED PAYMENT TO A RECEIVING AGENCY, THE STATE SUPERINTENDENT SHALL
25 DEDUCT FROM THE NEXT PAYMENT OF STATE AID TO THE SENDING AGENCY AN
26 AMOUNT EQUAL TO THE AMOUNT OWED UNDER THIS SECTION AND SHALL PAY
27 THOSE FUNDS TO THE RECEIVING AGENCY.

28 (F) THE STATE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THIS
29 SECTION.

30 7-101.

31 (b) (1) Except as provided in § 7-301 of this title and in paragraph (2) of this
32 subsection, each child shall attend a public school in the county where the child is
33 domiciled with the child's [parent or guardian] PARENT, GUARDIAN, OR RELATIVE
34 PROVIDING INFORMAL KINSHIP CARE, AS DEFINED IN SUBSECTION (C) OF THIS
35 SECTION.

36 (2) Upon request and in accordance with a county board's policies
37 concerning residency, a county superintendent may allow a child to attend school in
38 the county even if the child is not domiciled in that county with the child's parent or
39 guardian.

1 (3) If a child fraudulently attends a public school in a county where the
2 child is not domiciled with the child's parent or guardian, the child's parent or
3 guardian shall be subject to a penalty payable to the county for the pro rata share of
4 tuition for the time the child fraudulently attends a public school in the county.

5 {4) Nothing in this section alters the requirements for out-of-county
6 placements contained in § 4-122 and Title 8, Subtitles 3 and 4 of this article or in any
7 other State or federal law.}

8 (C) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE
9 MEANINGS INDICATED.

10 (II) "INFORMAL KINSHIP CARE" MEANS A LIVING ARRANGEMENT IN
11 WHICH A RELATIVE OF A CHILD, WHO IS NOT IN THE CARE, CUSTODY, OR
12 GUARDIANSHIP OF THE LOCAL DEPARTMENT OF SOCIAL SERVICES, PROVIDES FOR
13 THE CARE AND CUSTODY OF THE CHILD DUE TO A SERIOUS FAMILY HARDSHIP.

14 (III) "RELATIVE" MEANS AN ADULT RELATED TO THE CHILD BY
15 BLOOD OR MARRIAGE WITHIN THE FIFTH DEGREE OF CONSANGUINITY.

16 (IV) "SERIOUS FAMILY HARDSHIP" MEANS:

- 17 1. DEATH OF A PARENT OR LEGAL GUARDIAN OF THE CHILD;
- 18 2. SERIOUS ILLNESS OF A PARENT OR LEGAL GUARDIAN OF
19 THE CHILD;
- 20 3. DRUG ADDICTION OF A PARENT OR LEGAL GUARDIAN OF
21 THE CHILD;
- 22 4. INCARCERATION OF A PARENT OR LEGAL GUARDIAN OF
23 THE CHILD;
- 24 5. ABANDONMENT BY A PARENT OR LEGAL GUARDIAN OF
25 THE CHILD; OR
- 26 6. ASSIGNMENT OF A PARENT OR LEGAL GUARDIAN OF A
27 CHILD TO ACTIVE MILITARY DUTY.

28 (2) (I) A COUNTY SUPERINTENDENT SHALL ALLOW A CHILD WHO IS A
29 RESIDENT OF THIS STATE TO ATTEND A PUBLIC SCHOOL IN A COUNTY OTHER THAN
30 THE COUNTY WHERE THE CHILD IS DOMICILED WITH THE CHILD'S PARENT OR
31 LEGAL GUARDIAN IF THE CHILD LIVES WITH A RELATIVE PROVIDING INFORMAL
32 KINSHIP CARE IN THE COUNTY AND THE RELATIVE VERIFIES THE INFORMAL
33 KINSHIP CARE RELATIONSHIP THROUGH A SWORN AFFIDAVIT.

34 (II) 1 THE AFFIDAVIT SHALL BE ACCOMPANIED BY
35 SUPPORTING DOCUMENTATION OF ONE OR MORE SERIOUS FAMILY HARDSHIPS AND,
36 WHERE POSSIBLE, THE TELEPHONE NUMBER AND ADDRESS OF ANY AUTHORITY

1 _____DEATH OF FATHER/MOTHER/LEGAL GUARDIAN

2 _____SERIOUS ILLNESS OF FATHER/MOTHER/LEGAL GUARDIAN

3 _____DRUG ADDICTION OF FATHER/MOTHER/LEGAL GUARDIAN

4 _____INCARCERATION OF FATHER/MOTHER/LEGAL GUARDIAN

5 _____ABANDONMENT BY FATHER/MOTHER/LEGAL GUARDIAN

6 _____ASSIGNMENT OF A PARENT OR LEGAL GUARDIAN OF A
7 CHILD TO ACTIVE MILITARY DUTY

8 (III) THE NAME AND LAST KNOWN ADDRESS OF THE CHILD'S
9 PARENT(S) OR LEGAL GUARDIAN IS:

10 _____
11 _____
12 _____

13 (IV) MY KINSHIP RELATION TO THE CHILD IS _____

14 (V) MY ADDRESS IS:

15 _____
16 STREET APT. NO.

17 _____
18 CITY STATE ZIP CODE

19 (VI) I ASSUMED INFORMAL KINSHIP CARE OF THIS CHILD FOR 24
20 HOURS A DAY AND 7 DAYS A WEEK ON _____(DAY/MONTH/YEAR).

21 (VII) THE NAME AND ADDRESS OF THE LAST SCHOOL THAT THE
22 CHILD ATTENDED IS: _____
23 _____

24 (VIII) THE COUNTY SUPERINTENDENT MAY VERIFY THE FACTS
25 CONTAINED IN THE FOREGOING AFFIDAVIT AND CONDUCT AN AUDIT ON A
26 CASE-BY-CASE BASIS AFTER THE CHILD HAS BEEN ENROLLED IN THE COUNTY
27 PUBLIC SCHOOL SYSTEM. IF THE COUNTY SUPERINTENDENT DISCOVERS FRAUD OR
28 MISREPRESENTATION, THE CHILD SHALL BE REMOVED FROM THE COUNTY PUBLIC
29 SCHOOL SYSTEM ROLL.

30 (IX) I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY
31 THAT THE CONTENTS OF THE FOREGOING ARE TRUE TO THE BEST OF MY
32 KNOWLEDGE, INFORMATION, AND BELIEF.

1
2
3
4

SIGNATURE OF AFFIANT

(DAY/MONTH/YEAR)

5 (X) ANY PERSON WHO WILLFULLY MAKES A MATERIAL
6 MISREPRESENTATION IN THIS AFFIDAVIT SHALL BE SUBJECT TO A PENALTY
7 PAYABLE TO THE COUNTY FOR THREE TIMES THE PRO RATA SHARE OF TUITION FOR
8 THE TIME THE CHILD FRAUDULENTLY ATTENDS A PUBLIC SCHOOL IN THE COUNTY.

9 (5) (I) INSTRUCTIONS THAT EXPLAIN THE NECESSITY FOR BOTH AN
10 AFFIDAVIT AND SUPPORTING DOCUMENTATION OF THE SERIOUS FAMILY HARDSHIP
11 RESULTING IN INFORMAL KINSHIP CARE SHALL:

12 1. BE ATTACHED TO AFFIDAVIT FORMS THAT COMPLY WITH
13 ~~SUBSECTION (C)(4) OF THIS SECTION~~ PARAGRAPH (4) OF THIS SUBSECTION; AND

14 2. INCLUDE LANGUAGE ENCOURAGING THE RELATIVE
15 PROVIDING INFORMAL KINSHIP CARE TO SUBMIT THE AFFIDAVIT AND SUPPORTING
16 DOCUMENTATION PRIOR TO SEPTEMBER 30 OF EACH YEAR.

17 (II) THE AFFIDAVIT FORMS, WITH ATTACHED INSTRUCTIONS,
18 SHALL BE MADE AVAILABLE FREE OF CHARGE AT THE OFFICES OF EACH COUNTY
19 BOARD OF EDUCATION, EACH LOCAL DEPARTMENT OF SOCIAL SERVICES, AND EACH
20 LOCAL AREA AGENCY ON AGING.

21 (6) IF A CHANGE OCCURS IN THE CARE OR IN THE SERIOUS FAMILY
22 HARDSHIP OF THE CHILD, THE RELATIVE PROVIDING INFORMAL KINSHIP CARE FOR
23 THE CHILD SHALL NOTIFY THE LOCAL SCHOOL SYSTEM IN WRITING WITHIN 30 DAYS
24 AFTER THE CHANGE OCCURS.

25 (7) (I) AN INFORMAL KINSHIP CARE AFFIDAVIT MAY BE FILED
26 DURING A SCHOOL YEAR.

27 (II) THE RELATIVE PROVIDING INFORMAL KINSHIP CARE SHALL
28 FILE AN AFFIDAVIT ANNUALLY AT LEAST 2 WEEKS PRIOR TO THE BEGINNING OF THE
29 SCHOOL YEAR FOR EACH YEAR THE CHILD CONTINUES TO LIVE WITH THE RELATIVE
30 BECAUSE OF A SERIOUS FAMILY HARDSHIP.

31 (8) UNLESS THE COURT APPOINTS A GUARDIAN FOR THE CHILD OR
32 AWARDS CUSTODY OF THE CHILD TO SOMEONE OTHER THAN THE RELATIVE
33 PROVIDING INFORMAL KINSHIP CARE, THE RELATIVE PROVIDING INFORMAL
34 KINSHIP CARE SHALL MAKE THE FULL RANGE OF EDUCATIONAL DECISIONS FOR
35 THE CHILD.

36 (9) THE RELATIVE PROVIDING INFORMAL KINSHIP CARE SHALL MAKE
37 REASONABLE EFFORTS TO INFORM THE PARENT OR LEGAL GUARDIAN OF THE CHILD
38 OF THE INFORMAL KINSHIP CARE RELATIONSHIP.

1 (10) THE PARENT OR LEGAL GUARDIAN OF A CHILD IN AN
2 ~~OUT-OF-COUNTY LIVING ARRANGEMENT~~ INFORMAL KINSHIP CARE RELATIONSHIP
3 SHALL HAVE FINAL DECISION MAKING AUTHORITY REGARDING THE EDUCATIONAL
4 NEEDS OF THE CHILD.

5 (D) SECTION 4-122.1 OF THIS ARTICLE SHALL APPLY TO THE EDUCATION
6 FUNDING OF A CHILD IN AN INFORMAL KINSHIP CARE RELATIONSHIP IF THE FISCAL
7 IMPACT OF THE REQUIREMENTS OF SUBSECTION (C) OF THIS SECTION EXCEED 0.1%
8 OF A COUNTY BOARD'S TOTAL OPERATING BUDGET FOR A FISCAL YEAR.

9 SECTION 3. AND BE IT FURTHER ENACTED, That each county board of
10 education, including the Baltimore City Board of School Commissioners, shall report
11 to the Maryland State Department of Education on or before September 1, 2003,
12 regarding:

13 (1) the number of family hardship waivers that were granted during the
14 2001-2002 and 2002-2003 school years;

15 (2) the number of family hardship waivers that were granted under subsection
16 (1) of this section that were for out-of-state/out-of-country students;

17 (3) the number of family hardship waivers that were granted under subsection
18 (1) of this section that were for out-of-county/in-state students;

19 (4) the number of family hardship waivers that were denied and why they
20 were denied;

21 (5) the fiscal impact on the local education agency of granting these family
22 hardship waivers including both a dollar amount and an assessment of future
23 implications of this dollar amount on the local education agency; and

24 (6) the amount of money that a local education agency received from other
25 sources (i.e. other counties, other states) for a child placed in that county as the result
26 of an informal kinship care relationship.

27 The Maryland State Department of Education shall compile the reports from
28 the county boards of education and the Baltimore City Board of School
29 Commissioners and, subject to § 2-1246 of the State Government Article, shall
30 submit a report that presents all of the data collected from the county boards in a
31 comprehensive manner to the Senate Education, Health, and Environmental Affairs
32 Committee and the House Ways and Means Committee on or before December 31,
33 2003.

34 SECTION 4. AND BE IT FURTHER ENACTED, That each county board of
35 education, including the Baltimore City Board of School Commissioners, shall report
36 to the Maryland State Department of Education on or before October 1 of each year
37 regarding:

38 (1) the number of family hardship waivers that have been granted as a result
39 of this Act;

1 (2) the fiscal impact on the local education agency of this Act including both a
2 dollar amount and an assessment of future implications of this dollar amount on the
3 local education agency; and

4 (3) the amount of money that a local education agency received from other
5 sources (i.e. other states, other counties) for a child placed in that county as the result
6 of an informal kinship care relationship.

7 The Maryland State Department of Education shall compile the reports from
8 the county boards of education and the Baltimore City Board of School
9 Commissioners and, subject to § 2-1246 of the State Government Article, shall
10 submit a report that presents all of the data collected from the county boards in a
11 comprehensive manner to the Senate Education, Health, and Environmental Affairs
12 Committee and the House Ways and Means Committee on or before December 31 of
13 each year.

14 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 July 1, 2003.