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By: **Delegates Hixson, Anderson, Bozman, C. Davis, Gilleland, Goodwin,  
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and Ross**

Introduced and read first time: February 11, 2005

Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **Education - Children in State-Supervised Care - Transfer of Educational**  
3 **Records**

4 FOR the purpose of requiring certain noncollegiate educational institutions to comply  
5 with this Act; providing for a certain intent; requiring a certain placement  
6 agency to provide certain notice to a certain school; authorizing certain children  
7 and certain adults to provide certain notice to a certain school; requiring certain  
8 schools to fulfill certain requirements; requiring a certain school to inform a  
9 certain school of certain enrollment, request certain educational records, provide  
10 certain copies of certain requests, and inform certain individuals of certain  
11 rights; requiring a certain school to orally inform a certain school of a certain  
12 grade level and a certain status; requiring a certain school to send by mail or  
13 transmit electronically certain information to a certain school; authorizing a  
14 certain placement agency or a certain employee to hand carry certain  
15 documents; requiring certain county boards of education to establish certain  
16 dispute resolution processes; requiring certain dispute resolution processes to  
17 meet certain criteria; providing for the continued enrollment of certain children  
18 during certain dispute resolution; requiring that certain remedial educational  
19 services be provided to certain children under certain circumstances; providing  
20 for the reimbursement of certain expenses under certain circumstances;  
21 requiring the State Department of Education to ensure that certain county  
22 boards of education take certain measures; requiring certain county boards to  
23 inform certain persons of certain requirements imposed and certain rights  
24 conferred; requiring the Department to adopt regulations by a certain date;  
25 defining certain terms; providing for the rights of certain parents; and generally  
26 relating to the transfer of educational records of children in State-supervised  
27 care.

28 BY repealing and reenacting, without amendments,  
29 Article - Education  
30 Section 2-206(a)  
31 Annotated Code of Maryland  
32 (2004 Replacement Volume and 2004 Supplement)

1 BY adding to  
2 Article - Education  
3 Section 2-206(1); and 8-501 through 8-507, inclusive, to be under the new  
4 subtitle "Subtitle 5. Children in State-Supervised Care"  
5 Annotated Code of Maryland  
6 (2004 Replacement Volume and 2004 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
8 MARYLAND, That the Laws of Maryland read as follows:

9 **Article - Education**

10 2-206.

11 (a) In this section, "noncollegiate educational institution" means a school or  
12 other institution that offers an educational program but is not an institution of  
13 postsecondary education, as defined in § 10-101 of this article.

14 (L) EACH NONCOLLEGIATE EDUCATIONAL INSTITUTION AFFILIATED WITH A  
15 RESIDENTIAL CHILD CARE PROGRAM OR TREATMENT FACILITY SHALL COMPLY WITH  
16 THE PROVISIONS OF TITLE 8, SUBTITLE 5 OF THIS ARTICLE.

17 SUBTITLE 5. CHILDREN IN STATE-SUPERVISED CARE.

18 8-501.

19 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
20 INDICATED.

21 (B) (1) "CHILD IN STATE-SUPERVISED CARE" MEANS A CHILD WHO IS IN  
22 THE CUSTODY OF, COMMITTED TO, OR OTHERWISE PLACED BY A PLACEMENT  
23 AGENCY.

24 (2) "CHILD IN STATE-SUPERVISED CARE" DOES NOT MEAN A CHILD AT  
25 THE CHARLES H. HICKEY, JR. SCHOOL IN BALTIMORE COUNTY WHO RECEIVES AN  
26 EDUCATIONAL PROGRAM UNDER § 22-308 OF THIS ARTICLE.

27 (C) "NONCOLLEGIATE EDUCATIONAL INSTITUTION" HAS THE MEANING  
28 STATED IN § 2-206 OF THIS ARTICLE.

29 (D) "NOTICE" MEANS THAT WRITTEN, VERBAL, OR OTHER COMMUNICATION  
30 REGARDING THE IDENTIFICATION OF A CHILD IN STATE-SUPERVISED CARE HAS  
31 BEEN EFFECTUATED.

32 (E) "PLACEMENT AGENCY" MEANS:

33 (1) A LOCAL DEPARTMENT OF SOCIAL SERVICES;

34 (2) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

1 (3) THE DEPARTMENT OF JUVENILE SERVICES; OR

2 (4) A PRIVATE AGENCY THAT:

3 (I) ENGAGES IN THE PLACEMENT OF CHILDREN IN HOMES OR  
4 WITH INDIVIDUALS; AND

5 (II) IS LICENSED BY THE SOCIAL SERVICES ADMINISTRATION  
6 UNDER § 5-507 OF THE FAMILY LAW ARTICLE.

7 (F) "RECEIVING SCHOOL" MEANS A PUBLIC SCHOOL OR A NONCOLLEGIATE  
8 EDUCATIONAL INSTITUTION AFFILIATED WITH A RESIDENTIAL CHILD CARE  
9 PROGRAM OR TREATMENT FACILITY THAT HAS AN EDUCATIONAL PROGRAM  
10 APPROVED BY THE DEPARTMENT IN WHICH A CHILD IN STATE-SUPERVISED CARE IS  
11 NEWLY ENROLLED OR SEEKS TO ENROLL.

12 (G) "SENDING SCHOOL" MEANS A PUBLIC SCHOOL OR A NONCOLLEGIATE  
13 EDUCATIONAL INSTITUTION AFFILIATED WITH A RESIDENTIAL CHILD CARE  
14 PROGRAM OR TREATMENT FACILITY THAT HAS AN EDUCATIONAL PROGRAM  
15 APPROVED BY THE DEPARTMENT IN WHICH A CHILD IN STATE-SUPERVISED CARE  
16 WAS ENROLLED PRIOR TO ENROLLING, OR SEEKING TO ENROLL, IN A RECEIVING  
17 SCHOOL.

18 8-502.

19 IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE STATE PROMOTE THE  
20 EDUCATION AND WELL-BEING OF CHILDREN IN STATE-SUPERVISED CARE BY  
21 FACILITATING:

22 (1) THE PROMPT ENROLLMENT OF CHILDREN IN STATE-SUPERVISED  
23 CARE IN AN APPROPRIATE PUBLIC SCHOOL OR NONCOLLEGIATE EDUCATIONAL  
24 INSTITUTION AFFILIATED WITH A RESIDENTIAL CHILD CARE PROGRAM OR  
25 TREATMENT FACILITY; AND

26 (2) THE PROMPT TRANSFER OF THE EDUCATIONAL RECORDS OF  
27 CHILDREN IN STATE-SUPERVISED CARE.

28 8-503.

29 (A) PRIOR TO OR CONCURRENT WITH THE PLACEMENT OR MODIFICATION OF  
30 THE PLACEMENT OF A CHILD IN STATE-SUPERVISED CARE, A PLACEMENT AGENCY  
31 SHALL PROVIDE NOTICE TO A RECEIVING SCHOOL REGARDING THE ENROLLMENT  
32 OR IMMINENT ENROLLMENT OF THE CHILD IN STATE-SUPERVISED CARE.

33 (B) THE CHILD IN STATE-SUPERVISED CARE, THE RESPONSIBLE ADULT  
34 ACTING ON BEHALF OF THE CHILD IN STATE-SUPERVISED CARE, OR ANY OTHER  
35 INTERESTED PARTY MAY PROVIDE NOTICE TO A RECEIVING SCHOOL REGARDING  
36 THE ENROLLMENT OR IMMINENT ENROLLMENT OF THE CHILD IN  
37 STATE-SUPERVISED CARE.

1 (C) AFTER RECEIVING NOTICE UNDER SUBSECTION (A) OR (B) OF THIS  
2 SECTION, A RECEIVING SCHOOL SHALL FULFILL THE REQUIREMENTS OF § 8-504(A)  
3 OF THIS SUBTITLE.

4 8-504.

5 (A) AFTER RECEIVING NOTICE UNDER § 8-503 OF THIS SUBTITLE, A  
6 RECEIVING SCHOOL SHALL:

7 (1) INFORM THE SENDING SCHOOL OF THE ENROLLMENT OR IMMINENT  
8 ENROLLMENT OF THE CHILD IN STATE-SUPERVISED CARE;

9 (2) REQUEST, IN WRITING, THE EDUCATIONAL RECORDS OF THE CHILD  
10 IN STATE-SUPERVISED CARE FROM THE SENDING SCHOOL;

11 (3) PROVIDE A COPY OF THE REQUEST MADE UNDER ITEM (2) OF THIS  
12 SUBSECTION TO THE CHILD IN STATE-SUPERVISED CARE OR THE RESPONSIBLE  
13 ADULT ACTING ON BEHALF OF THE CHILD IN STATE-SUPERVISED CARE; AND

14 (4) INFORM THE CHILD IN STATE-SUPERVISED CARE, OR THE  
15 RESPONSIBLE ADULT ACTING ON BEHALF OF THE CHILD IN STATE-SUPERVISED  
16 CARE, OF THE RIGHTS CONFERRED BY THIS SUBTITLE.

17 (B) AFTER RECEIVING NOTICE UNDER SUBSECTION (A) OF THIS SECTION, A  
18 SENDING SCHOOL SHALL:

19 (1) IMMEDIATELY INFORM THE RECEIVING SCHOOL ORALLY OF THE  
20 GRADE LEVEL IN WHICH THE CHILD IN STATE-SUPERVISED CARE WAS LAST  
21 ENROLLED;

22 (2) IMMEDIATELY INFORM THE RECEIVING SCHOOL ORALLY OF THE  
23 STATUS OF THE CHILD IN STATE-SUPERVISED CARE UNDER THE FEDERAL  
24 REHABILITATION ACT OF 1973 CODIFIED AT 29 U.S.C. § 794 (SECTION 504) OR UNDER  
25 THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT CODIFIED AT 20  
26 U.S.C.A. 1400; AND

27 (3) WITHIN 5 DAYS, SEND BY MAIL OR TRANSMIT ELECTRONICALLY TO  
28 THE RECEIVING SCHOOL A COPY OF:

29 (I) A COMPLETED STUDENT WITHDRAWAL OR TRANSFER RECORD  
30 OF THE CHILD IN STATE-SUPERVISED CARE;

31 (II) THE ACADEMIC RECORDS OF THE CHILD IN  
32 STATE-SUPERVISED CARE;

33 (III) THE IMMUNIZATION RECORDS OF THE CHILD IN  
34 STATE-SUPERVISED CARE; AND

1 (IV) IF APPLICABLE, THE MOST RECENT INDIVIDUALIZED  
2 EDUCATION PLAN OR SECTION 504 PLAN AND THE MOST RECENT ASSESSMENT OF  
3 THE CHILD IN STATE-SUPERVISED CARE.

4 (C) NOTWITHSTANDING SUBSECTION (B)(3) OF THIS SECTION, A PLACEMENT  
5 AGENCY OR SCHOOL EMPLOYEE MAY HAND CARRY THE DOCUMENTS LISTED IN  
6 SUBSECTION (B)(3) OF THIS SECTION FROM A SENDING SCHOOL TO A RECEIVING  
7 SCHOOL.

8 8-505.

9 (A) EACH COUNTY BOARD SHALL ESTABLISH A DISPUTE RESOLUTION  
10 PROCESS TO ADDRESS DISPUTES REGARDING THE REQUIREMENTS IMPOSED AND  
11 THE RIGHTS CONFERRED BY THIS SUBTITLE.

12 (B) THE DISPUTE RESOLUTION PROCESS ESTABLISHED UNDER SUBSECTION  
13 (A) OF THIS SECTION SHALL BE AS FOLLOWS:

14 (1) UPON RECEIPT OF A WRITTEN COMPLAINT FROM A CHILD IN  
15 STATE-SUPERVISED CARE, A RESPONSIBLE ADULT ACTING ON BEHALF OF A CHILD  
16 IN STATE-SUPERVISED CARE, OR A PLACEMENT AGENCY, THE PRINCIPAL OF A  
17 SCHOOL SHALL RESOLVE THE COMPLAINT WITHIN 5 SCHOOL DAYS;

18 (2) THE PRINCIPAL SHALL PROVIDE THE PERSON WHO FILES THE  
19 COMPLAINT UNDER PARAGRAPH (1) OF THIS SUBSECTION WITH A WRITTEN  
20 EXPLANATION OF THE PRINCIPAL'S RESOLUTION OF THE COMPLAINT INCLUDING  
21 INFORMATION REGARDING THE PERSON'S RIGHT TO APPEAL;

22 (3) IF A PRINCIPAL DOES NOT ISSUE A DECISION WITHIN 5 DAYS, OR THE  
23 PERSON UNDER PARAGRAPH (1) OF THIS SUBSECTION IS DISSATISFIED WITH THE  
24 DECISION OF THE PRINCIPAL, THAT PERSON MAY FILE A WRITTEN COMPLAINT WITH  
25 THE COUNTY SUPERINTENDENT;

26 (4) THE COUNTY SUPERINTENDENT SHALL RENDER A DECISION WITHIN  
27 10 SCHOOL DAYS OF RECEIPT OF THE COMPLAINT;

28 (5) IF THE COUNTY SUPERINTENDENT DOES NOT ISSUE A DECISION  
29 WITHIN 10 SCHOOL DAYS, OR THE PERSON UNDER PARAGRAPH (1) OF THIS  
30 SUBSECTION IS DISSATISFIED WITH THE DECISION OF THE COUNTY  
31 SUPERINTENDENT, THAT PERSON MAY FILE A WRITTEN APPEAL TO THE COUNTY  
32 BOARD WITHIN 30 DAYS;

33 (6) A COUNTY BOARD SHALL RENDER A DECISION WITHIN 45 DAYS OF  
34 RECEIPT OF THE APPEAL; AND

35 (7) IF A PERSON UNDER PARAGRAPH (1) OF THIS SUBSECTION IS  
36 DISSATISFIED WITH THE DECISION OF THE COUNTY BOARD, THAT PERSON MAY FILE  
37 A WRITTEN APPEAL TO THE STATE BOARD WITHIN 30 DAYS.

1 (C) DURING THE DISPUTE RESOLUTION PROCESS THE CHILD IN  
2 STATE-SUPERVISED CARE SHALL REMAIN ENROLLED IN THE RECEIVING SCHOOL.

3 (D) A CHILD IN STATE-SUPERVISED CARE WHO IS THE SUBJECT OF A DISPUTE  
4 SHALL BE PROVIDED APPROPRIATE REMEDIAL EDUCATIONAL SERVICES AS NEEDED.

5 8-506.

6 FOLLOWING THE DISPUTE RESOLUTION PROCESS SET FORTH IN § 8-505 OF THIS  
7 SUBTITLE, IF A DECISION OF A PRINCIPAL, A COUNTY SUPERINTENDENT, A COUNTY  
8 BOARD, OR THE STATE BOARD FINDS THAT A RECEIVING SCHOOL OR A SENDING  
9 SCHOOL WAS IN ERROR, THEN THAT SCHOOL SHALL REIMBURSE THE PLACEMENT  
10 AGENCY, THE RESPONSIBLE ADULT ACTING ON BEHALF OF THE CHILD IN  
11 STATE-SUPERVISED CARE, OR THE CHILD IN STATE-SUPERVISED CARE, FOR  
12 DOCUMENTED EXPENSES MADE ON BEHALF OF THE EDUCATIONAL NEEDS OF THE  
13 CHILD IN STATE-SUPERVISED CARE RELATING TO:

14 (1) TRANSPORTATION;

15 (2) TELEPHONE CALLS;

16 (3) PHOTOCOPIES AND FAXES; AND

17 (4) OTHER EXPENDITURES TOTALING \$50 OR LESS.

18 8-507.

19 (A) THE DEPARTMENT SHALL ENSURE THAT EACH COUNTY BOARD TAKES  
20 REASONABLE MEASURES TO IMPLEMENT THIS SECTION.

21 (B) A COUNTY BOARD SHALL INFORM:

22 (1) PRINCIPALS, TEACHERS, AND OTHER SCHOOL PERSONNEL IN THE  
23 COUNTY OF THE REQUIREMENTS IMPOSED BY THIS SUBTITLE;

24 (2) CHILDREN IN STATE-SUPERVISED CARE AND RESPONSIBLE ADULTS  
25 ACTING ON BEHALF OF CHILDREN IN STATE-SUPERVISED CARE OF THE RIGHTS  
26 CONFERRED BY THIS SUBTITLE; AND

27 (3) OTHER INTERESTED PARTIES OF THE REQUIREMENTS IMPOSED AND  
28 THE RIGHTS CONFERRED BY THIS SUBTITLE.

29 (C) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS  
30 SECTION ON OR BEFORE JANUARY 1, 2006.

31 SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act shall  
32 be construed as diminishing the right of a birth parent of a child in State-supervised  
33 care to participate in the educational decision making for the child.

34 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
35 July 1, 2005.

