

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 426

(Senator Kelley, *et al.*)

Education, Health, and Environmental Affairs

Ways and Means

Education - Children in State-Supervised Care - Transfer of Educational
Records

This bill establishes procedures and timelines for the transfer of the educational records of a child in State-supervised care. The bill also requires each local board of education to establish a dispute resolution process to expeditiously address disputes related to the transfer of an educational record.

The bill takes effect July 1, 2005.

Fiscal Summary

State Effect: The Maryland State Department of Education (MSDE) could adopt the required regulations with existing resources. Affected State agencies could help execute the transfer of educational records with existing resources.

Local Effect: Local school expenditures could increase minimally for minor administrative costs associated with implementing the bill.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill states that it is the intent of the General Assembly that the State promote the education and well-being of children in State-supervised care by facilitating prompt enrollment in appropriate schools and the prompt transfer of educational records.

A school that will be receiving a child who is in State-supervised care must be notified by the agency placing the child. The school that will be receiving the child must request, in writing, the child's educational records from the child's most recent school, and provide a copy of the request to the child or the adult responsible for the child. The school the child is transferring from must immediately inform the receiving school of the child's grade level and educational status, and must send the child's educational record within three days.

Each local board of education must establish a dispute resolution process to address complaints about the transfer of educational records. The child must remain in the receiving school during the appeal process and must be provided appropriate educational services. MSDE must ensure that each local board of education takes reasonable measures to implement the bill, and local boards of education must inform school staff, children in State-supervised care, and other interested parties about the rights conferred and requirements imposed by the bill.

The bill may not be construed to diminish the right of the birth parent of a child in State-supervised care to participate in the educational decision making for the child.

Current Law: Although it does not specifically mention the transfer of students' educational records, the Maryland Student Records Systems Manual, established by reference in Maryland regulations, requires local school systems and principals to collect and maintain accurate student records. Procedures for the transfer of a homeless child's educational records are also established in regulations.

In statute, the expeditious transfer of academic records is specifically addressed with respect to residential child care programs and students released from the Charles H. Hickey, Jr. School.

Background: The Public Justice Center reports that approximately 11,000 children are in the custody of local departments of social services and that the median length of time in out-of-home care for these children is approximately three years. Two-thirds of these children experience at least two placements during this time, and one-third experience three or more placements. When a child's residential placement changes, the school assignment for that child often changes too. The expeditious transfer of educational records for children in out-of-home care, many of whom have characteristics that put them at risk of failing to reach the State's school performance standards, is critical to their academic success.

Local Expenditures: School expenditures for administrative costs could increase to comply with the bill's requirements. However, schools and school systems are expected to cooperate in the transfer of educational records under current law. Any added expenses would be minimal.

Additional Information

Prior Introductions: None.

Cross File: HB 1259 (Delegate Hixson, *et al.*) – Ways and Means.

Information Source(s): Department of Juvenile Services, Department of Human Resources, Maryland State Department of Education, Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader - March 7, 2005
mam/rhh Revised - Senate Third Reader - April 5, 2005

Analysis by: Mark W. Collins

Direct Inquiries to:
(410) 946-5510
(301) 970-5510