

# HOUSE BILL 284

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By: **Chair, Ways and Means Committee (By Request – Departmental – Education)**

Introduced and read first time: January 27, 2012

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Education – Children in Out-of-County Living Arrangements – Payments for**  
3 **Children with Disabilities**

4 FOR the purpose of altering a certain provision relating to funding the education of  
5 certain disabled children placed in out-of-county living arrangements; defining  
6 certain terms; and generally relating to education funding for disabled children  
7 in out-of-county living arrangements.

8 BY repealing and reenacting, with amendments,  
9 Article – Education  
10 Section 4–122(a) and (c)  
11 Annotated Code of Maryland  
12 (2008 Replacement Volume and 2011 Supplement)

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

15 **Article – Education**

16 4–122.

17 (a) (1) In this section the following words have the meanings indicated.

18 (2) “Child in an out-of-county living arrangement” means a child who  
19 is placed by a State agency, a licensed child placement agency as provided by § 5–507  
20 of the Family Law Article, or a court in a county other than where the child’s parent or  
21 legal guardian resides. “Child in an out-of-county living arrangement” does not  
22 include a child living with a relative, stepparent or a person exercising temporary  
23 care, custody or control over a child at the request of a parent or guardian of the child.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (3) “Financially responsible county” means the county where the  
2 parent or legal guardian of a child in an out-of-county living arrangement resides. If  
3 the parents of the child live apart, the financially responsible county is:

4                   (i) The county where the parent who has been awarded custody  
5 of the child resides;

6                   (ii) If custody has not been awarded, the county where the  
7 parent with whom the child lives when not in a foster care home or residential facility  
8 resides;

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

14                   (iv) If custody has been awarded to both parents and one parent  
15 resides in a county and the other resides out-of-state, the county shall be considered  
16 the financially responsible county.

17           **(4) “LEAST RESTRICTIVE ENVIRONMENT C (LRE-C)” MEANS A**  
18 **CHILD ENROLLED IN A COMPREHENSIVE SCHOOL WHO RECEIVES SPECIAL**  
19 **EDUCATION AND RELATED SERVICES IN REGULAR EDUCATION SETTINGS LESS**  
20 **THAN 40% OF THE SCHOOL DAY.**

21           **(5) “LEAST RESTRICTIVE ENVIRONMENT F (LRE-F)” MEANS A**  
22 **CHILD WHO RECEIVES SPECIAL EDUCATION AND RELATED SERVICES FOR**  
23 **GREATER THAN 50% OF THE SCHOOL DAY IN A PUBLIC SEPARATE DAY FACILITY**  
24 **THAT DOES NOT INCLUDE PROGRAMS FOR STUDENTS WITHOUT DISABILITIES.**

25           **[(4)] (6)** “Local current expense per student” means all expenditures  
26 made by a county from county appropriations, except State, federal, and other aid, for  
27 public elementary and secondary education in the prior fiscal year, divided by the  
28 full-time equivalent enrollment, as defined in § 5-202(a) of this article.

29           **[(5)] (7)** “Service providing local education agency” means the local  
30 education agency for the county where a child in an out-of-county living arrangement  
31 is placed.

32           (c) (1) Except as provided in paragraph (4) of this subsection, for each  
33 child in an out-of-county living arrangement enrolled in a public school program on  
34 December 31, the financially responsible county shall pay the service providing local  
35 education agency an amount equal to the lesser of:

1 (i) The local current expense per student in the financially  
2 responsible county; or

3 (ii) The local current expense per student in the service  
4 providing local education agency.

5 (2) If the service providing local education agency determines that a  
6 child in an out-of-county living arrangement is [handicapped and needs public school  
7 Intensity IV or V Special Education Services,] **A STUDENT WITH A DISABILITY WHO**  
8 **NEEDS AN LRE-C OR LRE-F PLACEMENT**, the financially responsible county shall  
9 pay the service providing local education agency for each such child an amount equal  
10 to the lesser of:

11 (i) Three times the local current expense per student in the  
12 financially responsible county; or

13 (ii) Three times the local current expense per student in the  
14 service providing local education agency.

15 (3) (i) If the local current expense per student in the financially  
16 responsible county is less than the local current expense per student in the service  
17 providing local education agency, the State shall pay to the service providing local  
18 education agency the difference for each student in an out-of-county living  
19 arrangement who attends a public school in the service providing local education  
20 agency.

21 (ii) The necessary funds shall be provided in the appropriation  
22 to the State Board.

23 (4) If the service providing local education agency determines that a  
24 child in an out-of-county living arrangement is [handicapped]**DISABLED** and needs a  
25 nonpublic educational program as provided by § 8-406 of this article, the financially  
26 responsible county shall pay for each such child the amount provided by § 8-415(d)(3)  
27 of this article.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 July 1, 2012.