MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • MarylandPublicSchools.org

TO: Members of the Maryland State Board of Education

FROM: Lillian M. Lowery, Ed.D

DATE: August 28, 2012

SUBJECT: COMAR 13A.08.07.03-1 (AMEND)
Enrollment Process for Children in State Supervised Care
PERMISSION TO PUBLISH

PURPOSE:

To obtain permission to publish amendments to COMAR 13A.08.07.03-1, Enrollment Process for Children in State Supervised Care. (ATTACHMENT).

BACKGROUND/HISTORICAL PERSPECTIVE:

Children in State Supervised Care are often placed in living arrangements in a county different from the county of residence of their parents or guardians.

During SY 2011-2012, the Maryland State Department of Education established a committee with representatives from local school systems to discuss how to establish and update the county of residence of parents of children in an out-of-county living arrangement.

This residency determination is important because the school system in which the parent resides is responsible for reimbursing the school system in which the child is enrolled for the educational services it provides. Many disputes arise between school systems over the parent's county of residence and thus which county would be responsible for reimbursement.

EXECUTIVE SUMMARY:

The proposed amendment establishes that the school system in the county that initially sent the student to live in a different county (sending school system) has and retains the responsibility of documenting residency of the parents or guardians of a Child in State Supervised Care.

ACTION:

Request permission to publish amendments to COMAR 13A.08.07.03-1, Enrollment Process for Children in State Supervised Care.

Maryland Register Issue Date	November 2, 2012
30 Day Open Comment Period Ends	December 2, 2012
Adoption	January 22, 2013
Tentative Effective Date	February 18, 2013

RB:jmcg

Attachment

Title 13A STATE BOARD OF EDUCATION

Subtitle 08 STUDENTS

Chapter 07 Transfer of Educational Records for Children in State-Supervised Care

Authority: Education Article, §§2-205, 8-501—8-506, and 4-122, Annotated Code of Maryland

.03-1 Enrollment Process.

A. The persons authorized to enroll a child in State-supervised care in school are:

(1) A parent, as defined in Regulation .02B(6) of this chapter;

(2) A placement agency caseworker;

(3) A foster parent, even if the foster parent has not been granted limited guardianship for educational decision making;

(4) A formal kinship care provider;

(5) A parent surrogate;

(6) An education guardian;

(7) A residential child care program representative;

(8) The student, if the student is 18 years old or older;

(9) A court-appointed special advocate; or

(10) A court-appointed attorney.

B. At the time of enrollment, the person enrolling the child shall:

(1) Present documentation to the receiving school that identifies the person as authorized under §A of this regulation to enroll a child;

(2) Present photo identification; and

(3) Complete a form requesting the enrollment of the student, if the receiving school so requires.

C. Notwithstanding any other enrollment documentation requirements of the receiving school, the receiving school may not require the person enrolling the child to present more than the following:

(1) Proof that the child is in State-supervised care, with acceptable documents including:

(a) Those parts of the most recent court order that establish legal custody; or

(b) A letter on the letterhead of the placement agency that has custody of the child explaining that the child is in State-supervised care; or

(c)The receiving school system's enrollment form signed by a representative of the State Agency having jurisdiction over the child.

(2) Proof of the residency of the child in one of the following ways as chosen by the person authorized under §A of this regulation to enroll the child:

(a) A letter from the placement agency with custody of the child, verifying the address of the child's residence, and one of the documents from one of the following groups:

(i) *A currently dated (within three months of the date of enrollment)* [L]*l*ease, rent receipts, deed, or property tax bill; or

(ii) *A currently dated (within three months of the date of enrollment)* [G]gas and electric bill, water bill, cable bill, online computer services bill, noncellular phone bill; or

(b) The documentation of residency required by the receiving school.

(i) It is and remains the responsibility of the sending school system to establish and confirm the residency of the child's parent or guardian.

(ii) Until the sending school system establishes that the child's parent or guardian has moved out of the sending school system, the parent or guardian is presumed to reside in the sending school system.

D. The Prince George's County Public School System, pursuant to Education Article, §7-102, Annotated Code of Maryland, may require that a disclosure affidavit be presented at the time of enrollment.

E. Upon receipt of the documentation required under §C of this regulation, the receiving school shall enroll the child immediately, if possible, but not later than 2 school days from the date of receipt of the documentation.

F. If not already disenrolled from the sending school, the child is considered disenrolled upon enrollment at the receiving school.

IMPACT STATEMENTS

Part A
(check one option)

Estimate of Economic Impact

☐ The proposed action has no economic impact.

or

x The proposed action has an economic impact. Complete the following form in its entirety.

I. Summary of Economic Impact.

II. Types of Economic Impacts.

Revenue (R+/R-)
Expenditure (E+/E-) Magnitude

A. On issuing agency:

B. On other State agencies:

C. On local governments:

There may be economic impact through the requirements placed on local school systems. Actual costs would vary, depending on the jurisdiction. We anticipate that any additional costs would be minimal.

Benefit (+)
Cost (-) Magnitude

D. On regulated industries or trade groups:

E. On other industries or trade groups:

F. Direct and indirect effects on public:

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

Part B
(check one option)

Economic Impact on Small Businesses

x The proposed action has minimal or no economic impact on small businesses.

or

☐ The proposed action has a meaningful economic impact on small businesses. An analysis of this economic impact follows.

Impact on Individuals with Disabilities
(Check one option)

x The proposed action has no impact on individuals with disabilities.

or

☐ The proposed action has an impact on individuals with disabilities as follows:

Part C
(For legislative use only; not for publication.)

A. Fiscal Year in which regulations will become effective: **FY 2013**

B. Does the budget for fiscal year in which regulations become effective contain funds to implement the regulations?

☐ Yes x No

C. If A yes,@ state whether general, special (exact name), or federal funds will be used:

D. If A no,@ identify the source(s) of funds necessary for implementation of these regulations:
Local school system budgets.

E. If these regulations have no economic impact under Part A, indicate reason briefly:
Local school systems are allocated financial compensation from the Maryland State Department of Education and local school system budgets.

Comparison to Federal Standards
(Check one option)

x There is no corresponding federal standard to this proposed regulation.

or

☐ There is a corresponding federal standard to this proposed regulation. Please give corresponding federal standard and if the regulation is not more restrictive or stringent give justification.

or

☐ In compliance with Executive Order 01.01.1996.03, this proposed regulation is more restrictive or stringent than corresponding federal standards as follows:

(1) Regulation citation and manner in which it is more restrictive than the applicable federal standard:

(2) Benefit to the public health, safety or welfare, or the environment:

(3) Analysis of additional burden or cost on the regulated person:

(4) Justification for the need for more restrictive standards: