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TO: Members of the State Board of Education
FROM: Lillian M. Lowery, Ed.D. *Lillian M. Lowery*
DATE: December 16, 2014
SUBJECT: Fostering Connections Regulation Proposal COMAR 13A.08.07.06
Permission To Publish

PURPOSE:

To obtain permission to publish COMAR 13A.08.07.06 - *Fostering Connections* - (ATTACHMENT I) in the **Maryland Register**.

BACKGROUND/HISTORICAL PERSPECTIVE:

The Federal Fostering Connection to Success and increasing Adoptions Act of 2008 (Fostering Connections Act) contains provisions to promote the educational stability of children in foster care. It requires child welfare agencies to coordinate with local education systems to ensure that children subject to the Act remain in the school in which the child was enrolled at the time of placement, if doing so is in the best interest of the child, or be immediately enrolled in a new school. In 2012, the Maryland General Assembly integrated the educational stability provisions of the Fostering Connections Act into the Educational Article. As of July 2002, §7-101(b)(2)(ii) of the Education Article has required local school superintendents to allow a child subject to the Fostering Connections Act to remain in the school the child has been attending, regardless of where the child is currently living, if it is in the best interests of the child to continue at that school. The local Department of Social Services (DSS) or the Department of Juvenile Services (DJS), in consultation with the local education system, makes the best interest determination. The cost of transporting the child to and from the original school is borne by either the local DSS or by DJS, not the local educational system.

EXECUTIVE SUMMARY:

The Maryland State Department of Education (MSDE) has been charged with establishing a regulation to implement the provisions described above. MSDE has consulted with the Department of Human Resources, DJS and other stakeholders in developing the proposed regulations. Local school systems were informed of this proposal in Dr. Lillian Lowery's weekly update to the superintendents on June 20, 2014. No comments were received. There is no fiscal impact on local education agencies or MSDE.

ACTION:

Publish in the Maryland Register.

DRAFT Fostering Connections Regulation Proposal - COMAR 13A.08.07.06

- A. Scope.** Children in foster care are children in State-supervised care to whom special provisions apply under the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 and under Education Article, §7-101(b)(2)(ii), Annotated Code of Maryland. The purpose of this regulation is to implement the educational stability requirements of those laws.
- B. Terms Defined.** In this regulation, the following terms have the meaning indicated.
- (1) Foster Child.**
- (a)** "Foster child" means a child in the custody of, committed to, or otherwise placed by a local department of social services or the Department of Juvenile Services;
- (b)** "Foster child" does not include:
- 1.** A "child awaiting foster care placement" as defined in COMAR 13A.05.09.02B; and
 - 2.** A child in any of the following placements:
 - i.** A detention facility;
 - ii.** A forestry camp;
 - iii.** A training school;
 - iv.** A State-owned and State-operated facility that accommodates more than 25 children; or
 - v.** Any other facility operated primarily for the detention of children who are determined to be delinquent.
- (2) "Child welfare agency" means:**
- (a)** Local department of social services; or
 - (b)** Department of Juvenile Services
- (3) "Enroll" and "Enrollment" means attending classes and participating fully in school activities.**
- (4) "School of origin" means the school the foster child attended prior to the original placement or prior to the most recent change in placement by the child welfare agency.**
- (5) "Receiving school" means the school serving the geographic attendance area where the child welfare agency has placed the foster child.**
- (6) "Receiving school system" means the school system serving the jurisdiction where the child welfare agency has placed the foster child.**

- C. In accordance with Education Article, §7-101(b)(2)(ii), the local school system superintendent of the school of origin shall allow a foster child to remain enrolled in the school of origin unless the child welfare agency responsible for the child provides notice to the principal of the school of origin and the Fostering Connections liaison in the receiving school system that it is not in the best interest of the child to remain enrolled in the school of origin.
- D. If the child welfare agency has determined that it is not in the best interest of the foster child to remain at the school of origin, the receiving school shall immediately enroll the child once a person authorized to enroll the child initiates the enrollment.
- (1) The receiving school shall immediately enroll the child even if the child welfare agency is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation.
 - (2) Notwithstanding any other enrollment documentation requirements of the receiving school, at the time of enrollment the receiving school may not require the person authorized to enroll the child to present more than documentation that the child is in the care of the child welfare agency and the address where the child has been placed.
 - (3) The school of origin shall transmit the foster child's educational records to the receiving school in accordance with Education Article, §8-504, Annotated Code of Maryland, and Regulation .03 of this chapter upon receipt of notice from the receiving school that the child is attending school there.
- E. Transportation to School of Origin
- (1) If the foster child remains enrolled in the school of origin, the receiving school system shall provide transportation for the foster child to attend the school of origin based on a written agreement with the child welfare agency for reimbursement of the transportation costs, unless the child welfare agency decides that it will provide the transportation.
 - (2) The receiving local school system shall provide the child welfare agency with documentation of transportation reimbursement rates.
 - (3) Section E(1) of this regulation shall not be construed as precluding the child welfare agency from making its own transportation arrangements or excusing the child welfare agency from its obligation to provide transportation to the foster child in the absence of an agreement with the receiving school system.
- F. Fostering Connections Liaison
- (1) Each school system shall designate an individual as the Fostering Connections liaison.
 - (2) The Fostering Connections liaison for the receiving local school system shall:
 - (a) Coordinate with the child welfare agency regarding the continued enrollment of the foster child in the school of origin in accordance with Education Article, §7-101(b)(2)(ii), Annotated Code of Maryland, or enrollment at the receiving school;

- (b) **Serve as the initial school system contact with whom the child welfare agency communicates regarding the best interests determination and transportation for the foster child;**
 - (c) **Communicate with the school of origin and the Fostering Connections liaison in the jurisdiction of the school of origin regarding school placement after the child welfare agency has communicated its best interests determination;**
 - (d) **Facilitate the transfer of the child's educational records from the school of origin to the receiving school;**
 - (e) **Request periodic updates from the child welfare agency regarding the foster child's continued attendance at the school of origin; and**
 - (f) **Communicate the educational stability requirements of the Fostering Connections to Success and Increasing Adoptions Act of 2008 to appropriate school personnel.**
- (3) **The Fostering Connections liaison may be the same individual who serves as the homeless education coordinator for the local school system.**

IMPACT STATEMENTS

Part A
(check one option)

Estimate of Economic Impact

The proposed action has no economic impact.

or

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:

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

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)

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 2014**
- B. Does the budget for fiscal year in which regulations become effective contain funds to implement the regulations?
- Yes No
- C. If Ayes,@ state whether general, special (exact name), or federal funds will be used:
- D. If Ano,@ identify the source(s) of funds necessary for implementation of these regulations:
- E. If these regulations have no economic impact under Part A, indicate reason briefly:
- If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

Comparison to Federal Standards
(Check one option)

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.

The Federal Fostering Connection to Success and increasing Adoptions Act of 2008 (Fostering Connections Act) contains provisions to promote the educational stability of children in foster care. It requires child welfare agencies to coordinate with local education systems to ensure that children subject to the Act remain in the school in which the child was enrolled at the time of placement, if doing so is in the best interest of the child, or be immediately enrolled in a new school.

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: