



Nancy S. Grasmick
State Superintendent of Schools

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

TO: Members of the Maryland State Board of Education
FROM: Nancy S. Grasmick *Nancy*
DATE: February 24, 2009
SUBJECT: COMAR 13A.05.09.02B(3)(b)(v) (NEW)
Child Awaiting Foster Care Placement
PERMISSION TO PUBLISH

PURPOSE:

To obtain permission to publish COMAR 13A.05.09.03.(3)(b)(v), *Child Awaiting Foster Care Placement (ATTACHMENT I)* in the **Maryland Register**.

BACKGROUND/HISTORICAL PERSPECTIVE:

COMAR 13A.05.09 addresses the requirements to ensure that homeless students have access to education. A homeless student is a child or youth who lacks a fixed, regular, or adequate nighttime place of local residence. The question arose whether children awaiting foster care placement were considered homeless.

EXECUTIVE SUMMARY:

The McKinney-Vento Act of 2002 addresses the educational rights for homeless children/or unaccompanied youth. It provides examples of children who would fall under the definition of homeless which includes children **‘awaiting foster care placement.’** In consultation with the Maryland Department of Human Resources and private advocacy groups, the attached regulation was developed to define which children in Maryland would be considered children awaiting foster care placement. The draft regulation was shared with the 24 local school superintendents for review and comment. No comments were received.

The cost of transportation under McKinney-Vento Act of 2002 may increase due to including children “awaiting foster care placement. The cost of transportation is approximately \$294 per homeless student. This figure does not include the cost of a homeless student transportation in Prince George’s County since there is a high number of homeless students and the nature of the county that requires transportation to be furnished via private transportation (cabs).



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ACTION:

Request permission to publish COMAR 13A.05.09.03.(3)(b)(v), *Child Awaiting Foster Care Placement* in the **Maryland Register** using the following **TENTATIVE** timeline:

Maryland Register Issue Date	April 24, 2009
Hearing	N/A
30-Day Open Comment Ends	May 25, 2009
Adoption	June 23-24, 2009

NSG:JM:ct
Attachment

Child Awaiting Foster Care Placement. Permission to Publish February, 2009

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (2) (text unchanged)

(3) Homeless Student.

(a) (text unchanged)

(b) "Homeless student" includes:

(i) — (iv) (text unchanged)

(v) Child awaiting foster care placement means a child placed out of his/her home pursuant to a shelter care order or a voluntary placement agreement documented by the Department of Social Services; or a child committed to the care and custody of the Department of Social Services who is placed into a temporary, short-term placement of not longer than ninety school days, such as emergency or shelter facility; diagnostic center; psychiatric respite facility; emergency foster home; or other temporary, short-term placement.

(4) — (8) (text unchanged)

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:

E-

\$294

The cost of transportation under McKinney-Vento Act of 2002 may increase due to including children “awaiting foster care placement. The cost of transportation is approximately \$294 per homeless student. The inclusion of approximately 22.5 students will increase the cost per student slightly. This figure does not include the cost of a homeless student transportation in Prince George’s County since there is a high number of homeless students and the nature of the county that requires transportation to be furnished via private transportation (cabs).

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 10**
- B. Does the budget for fiscal year in which regulations become effective contain funds to implement the regulations?

Yes No

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

Local school systems may apply to the Maryland State Department of Education for federal funds through the grant process.

- D. If "no," 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:

- F. 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, but the proposed regulation is not more restrictive or stringent.

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: