

Maryland Register

Issue Date: May 3, 2013

Volume 40 • Issue 9 • Pages 775-826

Title 07 DEPARTMENT OF HUMAN RESOURCES Subtitle 02 SOCIAL SERVICES ADMINISTRATION

07.02.11 Out-of-Home Placement Program

Authority: Family Law Article, §§5-501, 5-504, 5-524—5-534; 5-701, and 5-709; Courts and Judicial Proceedings Article, §§3-801, 3-802, 3-815, 3-816.1, 3-817, 3-819.1, 3-819.2, 3-820, and 3-823; Human Services Article, §9-101 et seq.; and Education Article, §§7-101 and 15-106.1; Annotated Code of Maryland

(Agency Note: Federal Regulatory Reference: 42 U.S.C. §§620 et seq., 670 et seq.; 45 CFR §205.10; 45 CFR §303.72; 45 CFR 1355—1357)

Notice of Proposed Action

[13-122-P]

The Secretary of Human Resources proposes to amend Regulation .12 under **COMAR 07.02.11 Out-of-Home Placement Program**.

Statement of Purpose

The purpose of this action is to implement the provisions of Chapters 550 and 551 of the 2012 Regular Session of the Maryland General Assembly by providing guidance to child placement agencies for determining whether it is in the child's best interest to continue the child's education at the school the child last attended prior to the most recent out-of-home placement change.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Andrea Shuck, Regulations Coordinator, Human Resources, 311 West Saratoga St., Baltimore, MD 21201, or call 410-767-2149, or email to regulations@dhr.state.md.us, or fax to 410-333-7838. Comments will be accepted through June 3, 2013. A public hearing has not been scheduled.

.12 Education for the Child in Out-of-Home Placement.

A. (text unchanged)

B. *School Stability.*

(1) *With respect to a child who is in the custody of, committed to, or otherwise placed by the local department of social services in out-of-home placement, the local department of social services shall determine whether it is in the child's best interests to continue the child's education at the school the child last attended prior to the most recent change in placement.*

(2) *In determining the best interests of the child under §B(1) of this regulation, the local department of social services shall, in consultation with the local education agency, consider the following factors, not in order of priority:*

(a) *The child's age;*

(b) *The school which the child's siblings attend;*

- (c) The child's experiences at the school the child last attended;*
- (d) The child's academic needs;*
- (e) The child's emotional needs;*
- (f) Any other special needs of the child;*
- (g) Continuity of instruction;*
- (h) Length of expected stay at current placement;*
- (i) Likely location of the child's current and future permanent placement;*
- (j) Time remaining in the school year;*
- (k) Distance, time, and complexity of commute and the impact it may have on the child's education and other child-centered, transportation-related factors; and*
- (l) The safety of the child.*

(3) The local department of social services may seek input from the child's attorney, parent, parent surrogate, legal guardian and other persons who are able to contribute relevant information to the best interests determination made under this section.

(4) The best interests determination made under this section shall be made:

(a) Prior to the end of the first school year after the child enters out-of-home placement, and prior to any change in out-of-home placement thereafter, unless there is an unanticipated, emergency change in the child's residential placement; or

(b) If the child's residential placement is changed due to an unanticipated emergency, as soon as possible after the change in residential placement, but no later than 5 business days thereafter.

(5) A child shall continue to be enrolled in and maintain attendance in the school of origin until the placement agency completes the best interests determination in accordance with this section.

(6) The local department of social services shall provide written notice of the best interests determination made under §B(2) of this regulation to the child's school, parent, parent surrogate, legal guardian, and child's attorney within 5 business days after the best interests determination has been made.

[B.] C. — [K.] L. (text unchanged)

THEODORE DALLAS
Secretary