



*The Maryland Department of Human Resources
in conjunction with
the Maryland State Department of Education*



Access to Education For Children in State-Supervised Care



The material in this handbook relates to children in the custody/guardianship of a LDSS (Local Department of Social Services).
The handbook is available online at:
<http://www.dhr.state.md.us/ssa/foster/handbook.htm>

INTRODUCTION



The State Departments of Human Resources and Education have designed the **Access to Education for Children in State-Supervised Care handbook** for professionals working in Maryland child welfare and educational systems. The handbook will help child welfare workers and school staff to minimize common barriers to success in school for foster children.

Educational stability is essential to educational achievement for foster children. Professionals need a clear understanding of the educational system and barriers to become effective advocates for foster children.

What are the common barriers to success in school for foster children?

Children in foster care are among the most educationally vulnerable children in the nation. More than half of all children in foster care suffer from serious health problems, developmental delays and other disabilities that can compromise their educational growth.

The same factors that can lead to foster placement – maltreatment; the death or incarceration of a parent or caretaker; or chronic homelessness – also place children at risk for educational failure. Instability in school placement, lack of continuity of educational services, and lack of parental and advocacy participation in their school lives are all challenges that foster children face through their school years.

Studies show that children in foster care:

- Do not perform as well as other children, lagging in achievement, repeating grades and failing classes;
- Experience frequent changes in placement;
- Are twice as likely to drop out of high school as their peers;
- Experience inappropriate school placements, and lost, misplaced or inaccessible school records;
- Experience delays in school enrollment;
- Receive special educational services at three to five times the national rate for all children; and
- Exhibit substantial behavioral and emotional problems that can compromise their ability to learn or function at school.

What can child welfare services workers do to minimize these barriers?

Know the educational services foster children are entitled to under federal and state laws and ensure they are afforded these services;

Team with the pupil personnel workers, school counselors and school psychologists in the child's school to maximize the child's success and identify problems early;

Share school information with foster parents so they can become advocates for their foster children;

Inform the foster child's attorney when educational services are not being provided;

Know the barriers that foster children face in order to minimize the pitfalls they may encounter;

Visit and observe the child in school and attend important meetings concerning the child's education;

Encourage foster children to participate in school activities; and

Maintain current school records in case files.

What can school staff do to minimize these barriers?

Since no two children react the same to trauma, it is often difficult to know if the child is experiencing problems. However, it should be assumed that a child entering foster care is experiencing trauma on some level. Therefore **extra care** should be taken to make a child's life as stable as possible, in and out of school.

Expeditious enrollment. Children benefit by immediately being placed in a familiar environment, so enrollment into the school system should be done expediently and without barriers.

Understand. Foster children may not trust adults because of maltreatment or because disclosure of abuse or neglect led to their removal from the family home. Younger children may show signs of regression by clinging to others or fearing interactions. Older children may have problems coping and may have started experimenting with drugs or alcohol or be engaged in other high-risk behaviors. Many factors may have resulted in a lack of a stable support system among the adults in their lives and in their peer groups. Many of these children will need professional intervention to help them live normal lives.

It is essential to keep lines of **communication** open among the school, foster parents, and the DSS caseworker.

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A. Child Protective Services (CPS) and the School

Can Child Protective Services (CPS) interview a child who is suspected to be a victim of abuse or neglect at school?

Yes. State law requires the local department of social services to conduct a thorough investigation to protect the health, safety, and welfare of the child. This investigative process includes a determination regarding the safety of all the children in the household and in the care of the alleged abuser/neglector. As part of that process, CPS investigators may need to interview a child on school premises. Schools shall allow CPS to interview children on school premises during school hours. Every effort shall be made to find an interview space with privacy and where the child would be comfortable.

Authority: MD CODE ANN., FAM. LAW § 5-706; COMAR 07.02.07.08;
COMAR 13A.08.01.13B

Why does Child Protective Services interview children in the school?

When a local department of social services receives a report of suspected child abuse or neglect, workers may need to interview a child at school in order to meet the statutory timelines and to ensure the safety of the child.

Authority: MD CODE ANN., FAM. LAW § 5-706; COMAR 07.02.07.07 and
07.02.07.08

May school personnel be present during the CPS interview?

Yes, the school superintendent or the superintendent's designee shall determine whether a school staff member needs to be present after consultation with the CPS investigator or police officer. Any school staff member who is alleged to have abused the child in question may not be present during the CPS interview. The school official who may be present serves as a support to help the child feel more comfortable. It should be noted that anyone attending the interview may be subpoenaed as a witness if the case goes to court.

Authority: COMAR 13A.08.01.13B

Who should be notified if CPS interviews a student on school premises concerning the suspected abuse or neglect of a child?

The superintendent or designee should consult with the CPS worker to decide the parents/guardians should be informed if a child is questioned by a protective services worker during the school day on school premises whether the child is the alleged victim or a non-victim witness. The school is not

required to notify the parents/guardians of investigations on school premises. It may be determined that disclosure to the parents would threaten the well-being of the child, or undermine the investigation.

Authority: MD CODE ANN., FAM. LAW § 5-706 and COMAR 13A.08.01.13B

Does Child Protective Services have the authority to remove children from school?

Yes. Child Protective Services may remove children from school if that student is a suspected victim of child abuse or neglect and the CPS has an order from the Court or a Shelter Care Authorization form. If a child is removed from school the Superintendent or his/her designee must ensure the child's parent/guardian is notified promptly.

Authority: MD CODE ANN. CTS. & JUD. PROC. §§ 3-814 & 3-815; MD CODE ANN., FAM. LAW § 5-710; COMAR 13A.08.01.13E.



B. How a Child Becomes a Foster Child

What does it mean to be a foster child?

Generally, a foster child is a child:

- Who has been abandoned, abused or neglected, and
- Whose parents are currently unable or unwilling to care for the child.

And, a court has:

- ◆ Decided that it is contrary to the child's welfare for the child to stay in his or her home, and
- ◆ Committed the child to the care and custody of a local department of social services.

These children generally come to the attention of a local department of social services because someone has reported the child has been abused or neglected. If, after an investigation, the local department determines that the child cannot safely remain in the child's home, the local department will temporarily place the child in shelter care and file a petition in court. See [Handbook Section C: The Juvenile Court Process for a Child in Foster Care](#) on the juvenile court process.

Authority: MD CODE ANN., CTS. & JUD. PROC. § 3-815; MD CODE ANN., FAM. LAW §§ 5-706, 5-709, 5-710, 5-525 (a); COMAR 07.02.07.07 & 07.02.07.08

Can a child become a foster child any other way?

Yes, if a child has a developmental disability or a mental illness and the child's parents are unable for financial reasons to care for the child, the child may become a foster child on a voluntary basis for 180 days, which can be extended if a petition is filed in court. In addition, some parents place their children in voluntary foster care while the parent is hospitalized or incarcerated for a period of time less than 180 days. In each of these situations, the parents sign a voluntary placement agreement.

Authority: MD CODE ANN., CTS. & JUD. PROC. §3-819.1; MD CODE ANN., FAM. LAW §5-525 (a); COMAR 07.02.11.06

Are children who live with their relatives foster children?

Probably not. Many children live with their relatives and not with their parents for a variety of reasons. These children would be foster children **only if** the local department has been involved in their placement by removing the children from their home during an investigation, through court involvement, or through a voluntary placement agreement.

Where does a child stay while in foster care?

A foster child may be placed by a local department of social services with a relative, foster parent, in a group home or in residential treatment care. If a child is placed with a relative, the child is said to be in “kinship care,” but the child remains a foster child. The first preference is for the child to be placed with a relative. The entire program is called the “out-of-home placement program,” which includes all children who are placed out of their homes. The goal is for the placement to be temporary while health and safety issues in the child’s home are addressed.

Authority: MD CODE ANN., CTS. & JUD. PROC. §3-819; MD CODE ANN., FAM. LAW §5-525; COMAR 07.02.11.01, 07.02.11.02; 07.02.11.03 & COMAR 07.02.11.11

How long can a child stay in foster care?

Foster care is intended to be a temporary service with the child returning home or being assigned to another permanent placement within a relatively short period of time.

If the child cannot return home, the local department will look for a relative to adopt the child or to become the child’s guardian. If no relative is available, the local department looks for an adoptive home or someone willing to become the child’s guardian.

Some older teens are in the independent living program, which provides children with life skills and assists them in making connections with people who will provide a support system for the child throughout the child’s life.

If a child is in foster care on the child’s 18th birthday, he/she may stay in foster care until the child turns 21. A child may only enter foster care prior to his/her 18th birthday, unless the child left foster care after the child’s 18th birthday and is re-entering foster care to receive enhanced aftercare services.

Authority: 42 USC §675(8)(A); MD CODE ANN., CTS. & JUD. PROC. §§3-804 & 3-823

What is the emotional impact of placement into foster care?

It is well known that when children enter into an out of home placement setting, whether it is a foster family or group home setting, they experience some level of trauma. They must live their days with many unknowns about their future, such as where they will live, who will take care of them, will they see their family again, will they have to go to court, etc. Since children come into care only for their immediate safety or due to severe ongoing risks in the home, these children may have already experienced physical or sexual

abuse, neglect, instability in their homes, or parental substance abuse or mental illness. These hardships, in addition to possible learning problems, school or peer pressures, and placement disruptions make it even more difficult for many children to function adequately in school settings. All of these factors put children in foster care at greater risk of educational hardship or failure.

C. The Juvenile Court Process for a Child in Foster Care

How does the court process begin?

Children come to the attention of the local departments of social services when someone makes a report of abuse or neglect, or if the child is the subject of a voluntary placement agreement. The local department's Child Protective Services (CPS) staff investigates the report of suspected maltreatment. If CPS determines the child cannot remain safely in the home, CPS will remove the child.

If CPS removes the child from the home, there must be a hearing before the juvenile court, called a Shelter Care Hearing, the next day the Circuit Court is in session. The child will be brought to court for the hearing and appointed an attorney. The parents are also given notice and may be appointed an attorney. DSS workers will testify at this hearing, and school counselors and other school personnel who have firsthand knowledge of the child's situation that led to the DSS intervention may also be asked to testify.

Authority: MD CODE ANN., CTS. & JUD. PROC. §§ 3-811, 3-813, 3-814, & 3-815; MD CODE ANN., FAM. LAW §§ 5-704, 5-705, 5-706 & 5-710

What happens during a shelter care hearing?

Attorneys for the parents, the child, and the local department will present evidence to the court on whether the child needs to be removed from his/her home. The court will decide whether the child should go home, stay with a relative, or go to another out-of-home placement after the hearing. (The parties may also agree on placement for the child or for the child to return home under certain conditions.)

The court also may hear evidence of the local department's efforts to assist the child and the child's family to prevent the child's removal from his/her home. The court is required to make findings as to whether the local department made reasonable efforts to prevent the child's removal from the child's home, and whether it is contrary to the child's welfare to remain in the home.

Authority: MD CODE ANN., CTS. & JUD. PROC. §§ 3-815, & 3-816.1

What happens after a shelter care hearing?

Adjudicatory Hearing: Unless the court dismisses the shelter care petition, the court will schedule another court hearing, usually within 30 days. This is called the adjudicatory hearing or adjudication. At that hearing, the court will determine whether the facts alleging that the child is “A Child in Need of Assistance” or “CINA” are true. A CINA is a child who has been abused, neglected or has a developmental disability or mental disorder and whose parents, guardian or custodian are unable to provide proper care and attention to the child and the child’s needs.

Disposition Hearing: The court may hold a disposition hearing. At that hearing, the court will decide whether the child is in need of assistance (CINA). The court may hold off that decision to a hearing 30 days later, but usually it happens on the same day as the adjudicatory hearing. At the disposition hearing, the court will decide whether the child is a CINA, and whether the child can go home or whether the child will be placed in an out-of-home setting. An out of home placement may be placement with a relative or nonrelative, a licensed foster home or group home, or a residential treatment center. If the child is placed in out-of- home care, the court likely will order visitation with the family.

In some cases, the court will find that the parent who has custody of the child at the time of the shelter care hearing is unable to provide proper care and attention to the child, but the child’s noncustodial parent is able to provide appropriate care. In these circumstances, the court may find that the child is not CINA and issue an order granting custody to the noncustodial parent and closing the case. If so, the court will usually order whether and under what circumstances the child will spend time with the other parent.

Order of Protective Supervision: The court may return the child home under an order of protective supervision, which means that the local department staff will visit the child regularly at home in order to help the family address safety issues and to monitor the home.

Guardianship for Educational Purposes: If the parents are unavailable or uncooperative, the court may issue a limited guardianship for educational purposes to the local department or another individual. This permits the educational guardian to make education decisions. This is not the same as an education surrogate for children in special education.

Authority: MD CODE ANN., CTS. & JUD. PROC. §§ 3-817 & 3-819

What happens next? How does the court monitor the child's situation?

Review Hearings: The court will hold periodic hearings to review how the child and the parents are doing and whether the child should return home or remain in an out-of-home placement.

Before the hearing, all the parties are required to get a progress report prepared by the local department. The child, the child's parents and the local department and their attorneys will present evidence to the court. The parents will present evidence on what they have done to make it safe for the child to return home. Often parents have agreed to, or have been ordered, to participate in counseling, drug or alcohol treatment, anger management or parenting training. After each hearing, the court will issue an order and schedule another hearing in six months to assess the family's progress. If the child is returned home, the court may schedule review hearings after reunification as a means of ensuring that the child is being cared for as prescribed in earlier court proceedings and orders.

Authority: MD CODE ANN., CTS. & JUD. PROC. §§ 3-823 & 3-826; COMAR 07.02.11.19

Under what circumstances will the court close a child's case?

When a child enters out-of-home care and is placed with a foster parent or relative, the local department is required to provide services to help eliminate the problems that brought the child into care. If the problems can be remedied, the child will be reunified with the child's parent(s). Once that has been accomplished and the local department has monitored the situation for a period of time, the court likely will close its case.

If the problems cannot be remedied, the local department and the court try to find a permanent living arrangement for the CINA, such as adoption or guardianship by a relative, a foster parent, or other individual. If an appropriate and stable permanent placement is made, the court may close its case.

For some older CINAs who cannot be reunited with their parents, but for whom no adoptive home or guardian can be found, the local department will try to develop an alternate planned permanent living arrangement for the child, called APPLA. This approach attempts to find housing for the child and people who will form a support network for him/her. If the court doesn't close its case before the child turns 21, the case will close when the child reaches 21.

Authority: MD CODE ANN., CTS. & JUD. PROC §§ 3-804 & 3-819.2; COMAR 07.02.10, 07.02.11.05, 07.02.11.14, 07.02.11.16 & 07.02.11.24

While a child is a CINA who makes decisions relating to school?

The child's parents retain the right to be involved in decision-making pertaining to school, especially important matters such as special education services. However, if a CINA's parent is unavailable or unwilling to participate, the court may sign an order called an Order for Limited Guardianship for Educational Purposes giving the local department, a foster parent or a relative the right to make certain decisions concerning school, such as giving permission to go on a field trip, to be on a sports team or to take the SAT. The Juvenile Court can explicitly designate the educational guardian as the parent surrogate for special education purposes. Even if someone has limited guardianship for educational purposes, the schools should try to involve the parents as much as possible. If no parent is available to make decisions regarding special education services, a parent surrogate must be appointed.

Authority: MD CODE ANN., CTS. & JUD. PROC. §3-801 (o); COMAR 07.02.11.12

Do school personnel ever get involved in the court process?

School personnel may be subpoenaed to testify at a court hearing on a CINA case. Sometimes teachers who have reported or observed abuse or neglect may be asked to be a witness at a shelter care hearing and/or adjudicatory hearing to relate their observations to the court. School personnel may be asked to testify at hearings later in the CINA process regarding the child's academic progress or the child's overall functioning in the school setting. The local department, the child's attorney, or the parent may request school records to be used as evidence at any hearing.



D. Records, Confidentiality and the Sharing of Information

What information can the school provide to DSS when the department is conducting an investigation of suspected child abuse or neglect?

Whether the school is the reporting source or not, the school may share information from school health records or logs, the education record, and information of prior child abuse and neglect history.

Authority: 20 U.S.C. §1232g; COMAR 13A.08.02.24

What information concerning a record or report of child abuse or neglect may school personnel share?

Any educator who believes a child has been subjected to neglect must notify the local DSS. If an educator believes a child has been subjected to abuse, the local DSS or local law enforcement must be notified. Information regarding these reports may be shared with Child Protective Services staff at any time. Educators must comply with Federal and State law regarding confidentiality of child abuse and neglect reports, which narrowly restrict other disclosures of information regarding reports or records of child abuse or neglect. Due to the importance of keeping this personal and sensitive information confidential, under State law the unauthorized disclosure of this information has a penalty of a fine not to exceed \$500 or imprisonment not to exceed 90 days, or both. Child abuse and neglect reports are NOT “educational records” and are not subject to the disclosure requirements of FERPA (Federal Educational Rights and Privacy Act) and may not be maintained as part of the student’s education record.

Authority: 42 U.S.C. § 5106a; MD CODE ANN. Human Services 1-202, FAM. LAW § 5-704; COMAR 07.02.07.04, 07.02.07.19

Will the school be notified by the local department of social services of the results of a child abuse/neglect investigation?

The local department of social services is not permitted to share the results of any investigation with the reporting source except under certain exceptions relating to the care and treatment of the student, or in cases where the child maltreatment was committed by a public school employee. However, they may acknowledge receipt of the report to the school personnel who were the reporting source.

Federal and State laws narrowly restrict permissible disclosure of information concerning child abuse or neglect. These laws do allow information to be shared with a licensed practitioner or an agency, institution, or program providing treatment or care to a child who is the subject of a report of child abuse or neglect if the information shared is necessary to the care and treatment of the child. Therefore, the extent and nature of the information

shared will vary from case to case and will not always include information regarding the results of the investigation.

Authority: 45 C.F.R 1340.14 (i); MD CODE ANN. Art. 88A § 6(b); MD CODE ANN., FAM. LAW § 5-707; COMAR 07.02.07.05 & 07.02.07.19

Should schools notify parents/guardians that a report of suspected child abuse or neglect has been made?

School officials are not required to notify parents/guardians of a Child Protective Services investigation of suspected child abuse or neglect of their child. CPS will notify parents/guardians of the CPS referral.

Authority: MD CODE ANN. Art. 88A § 6b; COMAR 13A.08.01.13D.

Should schools notify parents/guardians when removal of a child from school grounds is proposed or has occurred?

The superintendent or designee shall ensure that prompt notification of removal from school is made to the student's parent/guardian.

Authority: MD CODE ANN., CTS. & JUD. PROC. §3-814; MD CODE ANN., FAM. LAW §§ 5-710 & 5-712; COMAR 13A.08.01.13E.

Can information from a child's school health record be shared with child welfare?

Educators are required to provide copies of a child's medical/health record if requested by the local department of social services if the record is needed as part of a child abuse/neglect investigation, or to provide appropriate services to a child who is the subject of a report of child abuse or neglect.

Authority: MD CODE ANN., FAM. LAW § 5-711; MD CODE ANN., HEALTH-GEN. § 4-306

What school information will child welfare services workers need for their foster care records?

The necessary documentation may vary depending upon the needs of the individual child. The case plan should include the following:

1. Documentation of the child's enrollment in school within 5 days of placement, unless the child is unable to attend school due to a documented medical condition.
2. The name, address, telephone number of the child's school and the child's grade at the time of placement.
3. The child's current grade in school.

4. A statement addressing the current school placement's proximity to the school attended prior to placement.
5. Documentation that the LDSS and LSS have coordinated to ensure that the child remains in the school in which the child is enrolled at the time of placement, if it is determined to be in the child's best interest to remain there.
6. A statement addressing the appropriateness of the current educational setting.
7. The educational services the child receives.
8. A copy of the child's current report card (if a copy is not available, explain).
9. A completed IEP if the child is eligible for special education services.
10. The name, address and telephone number of the child's Educational Parent Surrogate.
11. A description of the child's adjustment and/or performance with respect to social/emotional issues.
12. A description of the child's academic performance for each marking period.
13. A description of the child's strengths, weaknesses and extra curricular activities.
14. A description of the child's progress and/or barriers to the child's academic success.

Authority: 42 U.S.C. §675(1)(G)(i) & (ii); COMAR 07.02.11.12 & 07.02.11.13



E. Access to Student Records

Why is it necessary to have student records?

Student educational records provide a written picture of the academic performance of a child. The orderly and complete maintenance of these records is necessary to ensure accurate information is available to plan for a child's education. Under Maryland regulations, schools are required to have systems of information on enrollment, attendance, and promotion. Each local school system (LSS) may collect additional information. (Note: Information concerning the abuse or neglect of a child must NOT be part of the student record).

Authority: MD CODE ANN., EDUC. § 2-205; COMAR 13A.08.02

What is in a student's educational record?

In general, Maryland requires its schools to record the following types of information about a student, including:

- Demographic information may include contact information, proof of residency, evidence of birth, identity and contact information for the child's parent/guardian, and the identity and contact information for an adult responsible for the student if different than parent/guardian).
- School attendance
- School performance
- School testing and assessment results

- Health information including health screenings
- Special education (may include specialized evaluations to determine eligibility for special education services)
- Disciplinary information
- Withdrawal and transfer information

Note: Information concerning the abuse or neglect of a child must NOT be part of the student record.

Authority: COMAR 13A.08.02; Maryland Student Records System Manual

Are student records confidential?

Yes. Under the Family Educational Rights and Privacy Act (FERPA) student records are confidential. Records of students receiving special education are also confidential under the special education law.

Parents may give a school consent to disclose personally identifiable information from their child's education record if the consent is in writing, signed and dated, and specifies the records to be released, to whom the records may be released, and the reasons for the release. There are, however, certain exceptions that allow a school to disclose personally identifiable information without prior parental consent.

Authority: 20 USC §1232g

What are some examples of situations when the school can disclose personally identifiable information from an education record to a third party without prior parental consent?

The school is permitted to make a variety of disclosures of personally identifiable information from an education record without consent of the parents. These disclosures include but are not limited to the following:

- 1) to other school officials within the school or school system who have legitimate educational interests;
- 2) to officials of another school or school system in which the student seeks or intends to enroll;
- 3) to appropriate parties in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals;

4) to comply with a judicial order (including the juvenile court in a CINA case) or lawfully issued subpoena;

5) in connection with financial aid for which the student has applied or received which is conditioned on the individual's attendance at an educational institution.

Authority: 20 U.S.C. § 1232g; MD CODE ANN., EDUC. §2-205; COMAR 13A.08.02.; 34 CFR Part 99, 34 CFR §300.123; 34 CFR §§300.611 – 627

What rights do parents have to review student records?

Parents have the right to inspect and review a student's record.

The school system must comply with a request to inspect and review the record within 45 calendar days after the request was received. The school system must provide explanations and interpretations of the records in response to reasonable requests by the parent, guardian or eligible student.

Authority: 20 U.S.C. § 1232g; 34 CFR §§99.10 & 99.31; COMAR 13A.08.02.13

Can parents amend the education record?

Parents may seek amendment of the education record if they believe that it is inaccurate, misleading, or otherwise in violation of the student's privacy rights. The school system must decide whether to amend the record as requested within a reasonable time after receipt of the request to amend. If the school system does not agree to amend the record, it must inform the parent of its decision and of the right to a hearing to challenge the content of the record. If, after the hearing, the school system decides the record should not be amended, the parent may place a statement in the record commenting on the contested information and/or describing the disagreement with the decision. The decision may be appealed in accordance with local school system appeal procedures.

Authority: 34 CFR §§99.20 -- 99.22; COMAR 13A.08.02.; COMAR 13A.08.02.14 & .15

What confidentiality protections are provided to a student receiving special education services?

Under federal law, a local school system must protect the confidentiality of any personally identifiable data maintained in the student's education record. Parents must be given notice about the requirements of confidentiality and access rights of school records.

Authority: 20 U.S.C. 1417(c); 34 C.F.R. § 300.610



F. Enrollment of a Child in State Supervised Care

Do children in state supervised care have a right to be in school?

Yes. All individuals who are 5 years old or older and under 21 have the right to be admitted **free of charge** to the public schools of Maryland. Also, there are some public school programs that are available for children younger than 5 (see the [Handbook Section I: Preschool Programs](#) for more information).

Authority: Md. Code, Educ. § 7-101(a)

Are children in state supervised care required to attend school?

Yes. Maryland children age 5 or older and under 16 are required to attend school. Child must be age 5 by September 1 of year of entry unless school system grants early admission in accordance with local policy.

There is also an obligation a person with legal custody or care and control of a child 5 years old or older and under 16 to see that the child attends school. An adult's failure to meet this obligation could result in misdemeanor criminal charges.

If a youth in state-supervised care, 16 to 20, wishes to participate in a semi-independent living arrangement through the Department of Human Resources, he/she must be continually enrolled in and regularly attending school or vocational training. There may be an exception to this requirement if the youth has a documented disability in living skills.

Authority: Md. Code, Educ. § 7-301; COMAR 13A.08.01.01; COMAR 13A.08.01.02; COMAR 07.02.10.10

In which school should a child in state supervised care be enrolled?

A child in state supervised care should be enrolled in either (1) the “school of origin” or “home school” if the appropriate agency determines that it is in the child’s best interest to remain there, or (2) the school zoned for the geographic attendance area in which the child resides. The “school of origin” or “home school” is the school that the child last attended, or attended when permanently housed.

Who decides if remaining at the school of origin/home school is in the child’s best interest?

The local school system makes the best interest determination if the child is a “child awaiting foster care placement” and is therefore considered a homeless student to whom the McKinney Vento Act applies. If the child has been “permanently housed” (meaning there has been disposition in the case) and is not considered to be a “child awaiting foster care placement”, the local DSS or DJS makes the best interest determination, as contemplated by the Fostering Connections Act. In determining the best interests of a child, regardless of whether the child is “awaiting foster case placement” or “permanently housed”, school system staff and/or DSS or DJS workers should consult with one another and with others who are knowledgeable about the child’s educational needs, such as the child’s parent or educational guardian, or the child’s attorney.

Authority: 42 USC §675(1)(G); COMAR 13A.05.09.04

When is a child in state supervised care considered a “child awaiting foster care placement” and, therefore, a homeless student to whom the McKinney Vento Act provisions apply for purposes of school enrollment?

In Maryland, a child is a “child awaiting foster care placement” if the child is in any of the following:

- Placed out of the home pursuant to a shelter care order by DSS or DJS;
- Placed out of the home pursuant to a voluntary placement agreement documented by DSS; or
- Committed to or placed in the care and custody of DSS or DJS, and placed into a temporary, short term placement of not longer than 90 school days, such as in:
 - An emergency or shelter facility;
 - A diagnostic center;
 - A psychiatric respite facility;
 - An emergency foster home;

- Or another temporary short term placement that is not a (1) detention facility, (2) forestry camp, (3) training school, (4) State owned and operated facility accommodating more than 25 youth, or (5) any other facility operated primarily for the purpose of detaining youth who are determined to be delinquent and require a secure custody in a physically restrictive setting.

Each school system has a homeless education coordinator who is responsible for making sure that homeless children (including children awaiting foster care placement) are identified by school staff, and are enrolled in and have a full and equal opportunity to succeed in school. The homeless education coordinator is an important resource for all children awaiting foster care placement for a wide range of school-related issues

Authority: COMAR 13A.05.09.02

What factors are considered as part of the best interest determination for school attendance?

The agencies responsible for making the best interest determination as to whether the child will continue to attend that home school/ school of origin consider the following factors:

- Child's age
- School the child's siblings attend
- Child's experiences at the home school/school of origin
- Child's academic needs
- Child's emotional needs
- Any other special needs of the child's family
- Continuity of instruction
- Length of stay in the shelter
- Likely location of the family's future permanent housing
- Time remaining in school year
- Distance of commute and impact it may have on the child's education and other student-centered transportation-related factors
- Safety of the child

Authority: COMAR 13A.05.09.04

Who pays for transportation to the home school/school of origin if it is in the child's best interest to remain there?

If a child in state supervised care remains at the home school/school of origin, the child is entitled to receive free transportation to and from school. The determination of which agency pays for the transportation costs will depend on whether the child is subject to the educational stability provisions of the McKinney Vento Act or the Fostering Connections Act.

While the child is considered homeless (i.e. “awaiting foster care placement”) and the McKinney Vento Act applies, the local school system is responsible for the payment of transportation. If the child moves from “awaiting foster care placement” to being “permanently housed” (i.e. there has been disposition in the case) during the school year, the school system remains responsible for transportation costs until the end of that school year. For school years thereafter, as long as the child is still “permanently housed” and in the school of origin, the DSS or DJS becomes responsible for the cost of transporting the child to and from school.

Authority: 42 USC §675(1)(G) & 42 U.S.C. §11432; Md. Code, Educ. § 7-101(b); COMAR 13A.05.09.02 & 13A.05.09.04

If a school change is necessary for a child, how do you determine which school the child should attend?

If the appropriate agency has determined that it is not in the best interest of the child to remain at the home school/school of origin, then the child should attend the school zoned for the geographic attendance area in which the child now lives. To determine the neighborhood school (or “zoned” school) for the child’s new residence, you can call local school system central office. Often, the school system’s transportation department can also help you make this determination. Some school systems also have websites that can help you find this information.

It may be appropriate and/or necessary, however, to enroll a child in a non-zoned school. Some school systems may have schools whose attendance is determined not by geographic area, but by some other criteria, such as the student’s interest and aptitude in a specific area of study. It is possible that they may be entering a school system after the passage of a deadline for entry into a non-zoned school. In order to make sure that these students have an opportunity to participate in educational programs, it may be necessary to seek an exception to the ordinary application procedures and deadlines.

Finally, some children may attend non-zoned schools for special education reasons. (For further information, read the [Handbook Section N: Special Education](#)).

Does a child have to enroll in a school if it is failing academically?

No. Some students may have the option of school choice under the No Child Left Behind Act (NCLB) to go to a different school if they are attending a school that has been identified for improvement because it has failed to meet certain academic standards. A child in state supervised care is entitled to this option in the same way any other student at the school is entitled to it.

In order for a student to be eligible to attend a better performing school than the one the student is at, the school the child is attending must meet two criteria: (1) The school must be designated as a "school in need of improvement" (either Year 1 or Year 2), Corrective Action or Restructuring); *and* (2) The school must be a "Title I" school. A "Title I" school is a school receiving federal funding under a program called Title I, Part A. Title I, Part A funds are targeted to schools where a high percentage of the students are from low-income households.

To find out whether a particular school is a Title I school, go to <http://www.mdreportcard.org/>.

Authority: 20 U.S.C § 6316(b); 34 C.F.R. §§ 200.39 & 200.44; U.S. Dept. of Education, non-regulatory guidance, *No Child Left Behind: Public School Choice* (January 14, 2009), Questions A1, B1, and C1, available online at <http://www2.ed.gov/policy/elsec/guid/schoolchoiceguid.pdf>.

Does a child have to enroll in a school if it is dangerous?

No. Under the No Child Left Behind Act (NCLB), some students have the right to attend a safer school if they are attending a school that has been identified as persistently dangerous. A child in state supervised care is entitled to this option in the same way any other student at the school is entitled to it.

A "persistently dangerous school" means a school in which each year for 3 consecutive school years, the total number of student suspensions for more than 10 days or expulsions for certain offenses (arson/fire, drugs, explosives, firearms, other guns, other weapons, physical attack on a student, physical attack on a school system employee or other adults, and sexual assault) equals 2-1/2 percent or more of the total number of students enrolled in the school.

Each summer, MSDE determines which schools in the state are "persistently dangerous." To find out which schools are on the list, contact MSDE, 410-767-0295.

Authority: 20 USC §7912; COMAR 13A.08.01.18B(4) & .20

Once you determine which school a child should be enrolled in, what is the next step?

The school's main office or guidance office are usually the best places to start the enrollment process. When possible, it may be helpful for the foster parent/DSS worker to contact the school's guidance office to arrange a meeting time.

What are the caseworker's responsibilities for enrolling a child into school?

The child's caseworker is *required* by state regulation to ensure that the child is attending school within five days of an out-of-home placement (unless factors outside the control of the caseworker prevent enrollment). In addition, prior to or at the same time a child's placement is changing, the caseworker must request that the receiving (new) school request that the child's school records be transferred from the old school to the new school (for more information on transferring school records for children in state supervised care, see the [Handbook Section H: Transfer of School Records](#)).

Once a child is enrolled, the caseworker is also required to identify and provide contact information to the receiving school about who is authorized to make educational decisions for the child. The caseworker must identify a primary education decision maker for general education decisions as well as a secondary decision maker who can act if the primary is unavailable. The caseworker is required to provide this information within 10 calendar days of the child's enrollment.

General education decisions are ones that do not involve special education services. Some examples of general education decisions are: field trip authorizations, parent-teacher conferences, signing report cards, guidance office matters, choice of academic programs and courses, career program courses, testing authorization, special programs authorization (such as sex education or armed forces recruiting), choice of magnet or other non-zoned schools, school health-related decisions, school discipline, sports and other extracurricular activities, and parental options under the No Child Left Behind Act. The following people are allowed to make general education decisions for a child in state care:

- o natural/birth parent (if s/he still has education decision making authority), or
- o caseworker, or the following, *if designated by the caseworker*:
 - f guardian (or education guardian)
 - f adoptive parent
 - f person acting as a parent who the child is living with (such as a
 - relative or
 - stepparent)
 - f foster parent
 - f formal kinship care provider
 - f residential child care program representative
 - f treatment foster care caseworker

In addition, if the child's placement changes during the school year and the child's address is still within the school boundaries, the placement agency caseworker is required to send a letter to the child's school providing it with the new address, contact information, and any other relevant information.

Authority: Md. Code, Educ. § 8-503; COMAR 07.02.11.12; COMAR 13A.08.07.03-3

What are a residential child care program operator's responsibilities for enrolling a child in school?

A residential child care program (e.g., a group home, emergency shelter, or alternative living unit) operator is required by law to enroll children between ages 5 to 16 who are in its custody in school unless the program operates an approved educational program. The residential child care program operator is also required to expeditiously initiate and monitor the transfer of academic records from the child's old school to the new school.

In addition, a residential child placement program operator may request a meeting with the child's teachers. The program operator also must sign the child's report card, make sure it is returned to school, and include a copy of the report card in the child's case record.

If a child is *above the mandatory school age* (16 or older), the residential child care program operator is required to ensure that the child participates in a secondary school education program, GED tutoring program, or vocational skills training.

Authority: Md. Code, Educ. § 7-309; COMAR 14.31.06.12

What role does the child's parent play in the child's enrollment?

Unless their parental rights have been terminated or an educational guardian has been appointed, parents retain the right to participate in decisions impacting their child's education, even when the child is in state supervised care. In such circumstances, the child's parents/guardian, if available, may assist with the child's enrollment and other general and special education-related decisions.

Who else can enroll an agency-placed child in school?

Although caseworkers and residential child care programs have specific duties, this does not prevent other responsible adults from enrolling, or assisting in enrolling, a child in school. Such adults include a child's:

- natural/birth parent,
- adoptive parent,
- guardian,
- person acting as a parent who the child is living with (such as a relative or stepparent),
- placement agency caseworker,
- foster parent,
- formal kinship care provider,
- special education appointed parent surrogate,
- education guardian,
- residential child care program representative,
- court-appointed special advocate (CASA),
- court-appointed attorney,
- or the student (if s/he is 18 years old or older)
- DJS Case Manager
- DJS Office of Pupil Services

When should you seek to enroll a child in school?

A child should be enrolled in school at the *earliest possible time* in order to ensure that the child is attending school within 5 days of the out of home placement.

Some school districts may have additional or different requirements for enrolling children who are in state-supervised care. For example, some may require re-enrollment of an agency-placed child every year. Some school districts use this practice to keep track of the number of out-of-county agency-placed children enrolled in its schools. Students in these districts have the right to remain enrolled upon completion of the appropriate paperwork.

When must a school enroll a child in state supervised care?

State law requires Maryland public schools to promptly enroll children in state supervised care. When children in state supervised care need to enroll in a new Maryland public school, the school must enroll them *immediately, if possible, and no later than two school days* from the date the school is provided with basic enrollment documents. (See Handbook [Section G: Required Documents to Enroll](#)).

Authority: Md. Code, Educ. § 8-502; COMAR 13A.08.07.03-1



G. Enrollment Documents for a Student in State-Supervised Care

What documents are needed to enroll a child in state supervised care in school?

The documentation required for enrollment of a child in state-supervised care is as follows: (1) documentation that the child is in state-supervised care; (2) identification of the person who is authorized to enroll the student; (3) and proof of the residence of the care taker at the child’s placement address. Lack of proof of residency of the caretaker at the time of enrollment is not a reason to deny or delay enrollment for a child awaiting foster care or a child transferring from the school of origin.

Documentation that the person is authorized to enroll the child. At the time of enrollment, the person enrolling the child shall present documentation to the receiving school that identifies the person as someone authorized to enroll a child. (See the answer to the question ["who else can enroll an agency-placed child in school"?](#) in Handbook Section F). The person enrolling the student will also need to present photo identification.

Proof that the child is in state -supervised care. This can be shown by providing the school with:

- o The parts of the most recent court order establishing legal custody, or
- o A letter on the letterhead of the placement agency that has custody of the child explaining that the child is in state-supervised care.

Proof of residency. The person enrolling the child shall present a placement agency letter verifying the child's address, **PLUS one of the following**, as chosen by the person enrolling the child:

- o A lease, rent receipts, deed, or property tax bill, OR
- o A gas & electric bill, water bill, cable bill, online computer services bill, noncellular telephone bill, OR
- o The documentation of residency that is required by the school district.

Some schools may also require that a child complete a form requesting the enrollment of the student.

Authority: COMAR 13A.08.07.03-1

In order for a child in state supervised care to enroll in a new school, must the child or an adult acting of the child's behalf present the child's educational records at the time of enrollment?

No. Neither the child in state supervised care nor the adult acting on the child's behalf need produce the child's school record at the time of enrollment in order to enroll the child in a new school. The Maryland school that the child most recently attended is responsible for transferring the education records of the child in state supervised care directly to the school where a child is seeking to enroll (for more information, read [Handbook Section H: Transfer of School Records](#)).

However, local DSS's and DJS are responsible under federal law for coordinating with school districts to ensure the prompt transfer of records. Therefore, if records have not been transferred by the old school within the legally-required timeframe, the DSS or DJS caseworker should follow up with the school system. Additionally, the DSS or DJS caseworker should provide the new school with any school records that the agency has in its own possession. These might include: immunization records, blood lead testing certificate (if applicable), IEP or Section 504 Plan (if applicable), a birth certificate or other proof of age, and health records that are relevant to the child's education.

A school may not prevent a child from enrolling because it does not have the child's school records.

Authority: Md. Code, Educ. §§ 8-503 -- 8-504; COMAR 13A.08.07.03-2

What additional documents are required after a child in state-supervised care is enrolled?

As mentioned above in the description of a caseworker's responsibilities (see answer to the question ["what are the caseworker's responsibilities for enrolling a child into school"?](#) in Handbook Section F), within 10 days of a child's enrollment, the child's placement agency needs to provide to the school information about who is authorized to make general educational decisions for the child.

In addition, schools are required by MSDE to have evidence of a student's date of birth, immunization records, and, in some cases, a lead poisoning blood testing certificate. A student who is in state-supervised care may not be excluded from school for non-compliance with any of these requirements.

Evidence of date of birth

Schools need to have proof of a child's age. Proof of age is particularly important the first time a child enrolls in school. It helps determine which services and programs are available to the child.

Documents that can be shown to prove age include: birth certificate, passport/visa, physician's certificate, baptism/church certificate, hospital certificate, parent's affidavit, birth registration or other document that school will accept as proof of age. For immigrant children, a consular document or foreign birth certificate are acceptable as proof of age. If an immigrant child does not have either of those documents, the school will still enroll the child.

Note that a child's school records are required to have the child's birth date and grade recorded after a school employee has seen the proof of birth information. If the child is unable to produce documents that prove age, the child's school records from the child's previously attended school are also acceptable proof of age.

Record of immunizations

A child should have a completed DHMH (Department of Health and Mental Hygiene) Form 896 for his/her school records. Your doctor or health clinic can provide the DHMH 896 Form, or a computer-generated form, to be taken to the school.

For a list of required immunizations, see COMAR 10.06.04.03.

A school must allow a child to enroll temporarily even if the DHMH Form 896 is not available, or the immunizations need to be updated. You will need to present evidence that the student has an appointment within 20 days (30 days for military children) with a health care provider or local health department to obtain the immunizations (or to reconstruct a lost record to prove that the child has already received the immunizations). School personnel, such as the school nurse, may assist in obtaining an appointment for the child.

Exceptions to the immunization requirement:

- **Medical reasons.** A student who presents a licensed physician's or health officer's written statement that the student's immunization against a disease is medically contraindicated can be exempted from the immunization requirement.
- **Religious reasons.** Using the form provided by the Department of Health and Mental Hygiene, a student whose parent or guardian objects to immunization on the ground that the immunization conflicts with the parent's or guardian's bona fide religious beliefs and practices is exempt from the requirement to present a physician's certificate of immunization in order that the student be admitted to school. This exception does not apply, however, if there is an emergency or epidemic of disease.

Note that a student's withdrawal/transfer record is required to have a copy of the DHMH Immunization forms attached. Therefore, if you do not have the documentation of immunizations, the student's record from his/her last school attended should ordinarily be sufficient proof.

A lead poisoning blood testing certificate may be required *if a child is enrolling in prekindergarten, kindergarten, or first grade.*

Parents or guardians must submit a Maryland Department of Health and Mental Hygiene (DHMH) Blood Lead Testing Certificate, which is available from the school or a doctor.

If the child resides or has resided in an "at risk" area, the child *must* be tested for lead poisoning. If the child does not reside or has never resided in an "at risk" area, certification of that fact must be provided. To find out what is considered an "at risk" area, you can visit the Maryland Childhood Lead Screening Program website at: http://www.fha.maryland.gov/mch/och_resources.cfm

The documentation of the lead poisoning test must be given to the school within 20 days of the child's (1) 12-month or 24-month well child doctor visit, or (2) first entry into the school system.

Enrollment cannot be denied to a child who does not have proof of lead poisoning testing.

The student's withdrawal/transfer school record is required to have the DHMH lead certificate attached. Therefore, if the child has been in school already and you do not have the documentation of lead poisoning testing when seeking to enroll the child in a new school, the student's record from his/her last school attended should ordinarily be sufficient proof.

Authority: COMAR 13A.08.07.03-2 & .03-3; Maryland State Department of Education Fact Sheet 40 (required documents); Md. Student Records System Manual; Md. Code, Educ. § 7-403, COMAR 10.06.04.04 - .06; COMAR 10.11.04

What do you do if you disagree with the school's refusal to enroll the child?

If the new school refuses to enroll a child in state-supervised care, or fails to enroll the child within two days of receiving the required documents, you should ask to discuss the reasons for the refusal or delay with the principal. If that does not resolve the problem, contact the school system's director of student services.

If you are still not able to resolve the dispute, you should consider filing a formal request for dispute resolution. Each local board of education must have a dispute resolution process to address disputes about the enrollment of and transfer of school records for children in state supervised care. The procedures must, at a minimum, include requirements for filing a request for dispute resolution, a deadline for filing the request, and reasonable time frames for completion of the other aspects of the dispute resolution process. The dispute resolution process must be completed no later than 20 school days after the request for dispute resolution is filed. Children in state supervised care and responsible adults acting on their behalf must be provided notice of the right to file a request for dispute resolution. If a dispute has been filed, the law requires that the child remain enrolled in the new school while the dispute is being resolved. Furthermore, the child is required to receive appropriate educational services including any special education services. To find out about the dispute resolution process in a school district, call the school's Public Information Office, the Office of the Director of Student Services, or the Superintendent's Office.

Authority: MD Code Ann., Educ. § 8-505; COMAR 13A.08.07.04

H. Transfer of School Records

If the child is transferring from one Maryland school to another, how will the new or "receiving" school get the child's education records?

State law gives unique education records transfer rights to Maryland children in state-supervised care. The law requires the old or "sending" school to promptly transfer the student's education records to the new or "receiving" school.

Authority: MD CODE ANN., EDUC. §8-505; COMAR 13A.08.07.03

What children are covered by the Maryland educational records transfer law?

The records transfer law applies to every child who is in the custody of, committed to, or otherwise placed by a placement agency, including: the Department of Social Services (DSS), the Department of Juvenile Services (DJS), the Department of Health and Mental Hygiene (DHMH), or any private agency that is licensed by the Department of Human Resources' Social Services Administration (SSA).

Authority: MD CODE ANN., EDUC. § 8-501(b) & (e); COMAR 13A.08.07.02

What schools does the Maryland educational records transfer law cover?

All public schools and public educational programs are covered by the law (except for the Charles H. Hickey Jr. School because there is a separate statute that covers that program). In addition, non-public schools and educational programs that are affiliated with a residential childcare program or treatment facility are also subject to these legal requirements.

Authority: MD CODE ANN., EDUC. §§ 2-206(l), 8-501(f) & (g);
COMAR 13A .08.07.02

What responsibilities do placement agency caseworkers and others have to initiate a records transfer request?

The DSS caseworker (or a caseworker at another placement agency that is responsible for the child) is required to provide notice to the receiving school regarding the child's enrollment or imminent enrollment. This notice must be given either prior to or concurrent with the child's placement change. Notice can be in written or verbal (or other) form so long as it is communicated to the school that the child is in state-supervised care and is enrolling or seeks to enroll in the receiving school.

Other people besides the caseworkers and placement agency employees may, but are not legally required to, provide this notice to the receiving school. People that can choose to provide such notice are: parents, education guardians, parent surrogates, foster parents, court-appointed attorneys, or CASAs (court appointed special advocates).

Authority: MD CODE ANN., EDUC. § § 8-501(d) & 8-503(a) & (b); COMAR 13A.08.07.03



When a child in state-supervised care is trying to enroll in a new school, what obligations does the receiving school have?

Once notice is given that a child in state supervised care is seeking to enroll, the receiving school must take the following steps to transfer the child's educational records immediately, or at the latest within 2 school days:

- inform the sending school that the child is enrolling in the receiving school;
- find out basic information about the child's academic status (i.e., the student's grade level and special education status);
- submit a written request to the sending school to transfer the student's educational records (and provide a copy of the request to the child or the adult acting on the child's behalf); and

- inform the student (or the adult acting on behalf of the student) of the records transfer process and timeline and other rights under the law.

Authority: MD CODE ANN., EDUC. § 8-504; COMAR 13A.08.07.03

When a child in state-supervised care is trying to transfer to a new school, what obligations does the sending school have?

Upon a request for transfer of records from a receiving school, a sending school must:

- *immediately* respond to the receiving school's inquiry by orally providing information about the student's grade level and special education status under the Individuals with Disabilities Education Act (IDEA) or §504.
- within *3 school days*, transmit (by regular first-class mail, by fax, or electronically) the child's complete educational record to the receiving school. A child's complete educational record consists of: a completed student withdrawal or transfer record as well as the child's academic, discipline, immunization, and, if applicable, the most recent IEP or §504 Plan, and the most recent assessment to determine special education services.

Authority: MD CODE ANN., EDUC. § 8-504; COMAR 13A.08.07.03C(3)

Can a school require a child welfare agency caseworker or placement agency to hand carry a child's school records to the receiving school?

No. The law *permits* but does *not require* a placement agency or school employee to hand carry the child's educational records to the receiving school. Under Fostering Connections, however, the local DSS and DJS have an obligation to work with school systems to assure the transfer of records. Therefore, the DSS or DJS caseworker should follow up with the school system if records are not timely transferred and provide the new school any school records that the agency has in its possession.

Authority: 42 USC 675; MD CODE ANN., EDUC. § 8-504(c); COMAR 13A.08.07.03

What if there is a problem with the transfer of an agency-placed child's school records?

Each local board of education must have a dispute resolution process to address disputes arising under the educational records transfer law. The procedures must, at a minimum, include procedures for filing a request for dispute resolution and reasonable time frames for completion of the other aspects of the dispute resolution process (the dispute resolution process must be completed no later than 20 school days after the request for dispute resolution is filed).

Children in state-supervised care and responsible adults acting on their behalf must be provided notice of this process and the right to file a request for dispute resolution regarding a records transfer. If a dispute about a child's educational records transfer has been filed, the law requires that the child remain enrolled in the new school while the dispute is being resolved. Furthermore, the child is required to receive appropriate educational services including any special education services.

To find out about the dispute resolution process in a school district, call the school's Public Information office, the Office of the Director of Student Services, or the Superintendent's Office.

Authority: MD CODE ANN., EDUC. § 8-505; COMAR 13A.08.07.04

What educational records will be transferred to the child's receiving school?

When a student transfers to another Maryland public school, a school is required to send the student's entire educational record, including special education and discipline records. Also, the child's old (or "sending" school) is required to prepare a *withdrawal/transfer record card* (also called the SR-7). The card includes information about:

- the student's grade level,
- immunizations (including a copy of the Department of Health and Mental Hygiene (DHMH) Form 896),
- blood lead screening (including a copy of the DHMH Blood Lead Certificate, DHMH Form 4620 or DHR/CCA 1215-A),
- record of physical examination (this is required on first entry to a Maryland school and is to be completed within a period of 9 months prior to school entrance or 6 months after entrance; it should be recorded on a DHMH Record of Physical Examination form),
- any special health considerations,
- whether the child is receiving any special services (special education (and a copy of the IEP and/or 504 Plan), English language learning, gifted and talented, or other programs),
- subjects that the student is currently taking,
- the student's grades (or a report card),
- a description of modifications and/or resources that are needed to facilitate the initial instructional placement of the student,
- disciplinary records and disciplinary status,
- attendance,
- graduation requirements completed by the student, and
- the school contact person designated to provide additional information about the student.

Child abuse and neglect records are not transferred with the student's records to any school.

Authority: COMAR 13A.08.07.03; Maryland Student Records System Manual

How will a child's records be transferred if the child is coming from or transferring to another state's public school system?

Under FERPA, a school may release a former student's educational records to another school where the student is seeking to enroll without obtaining the consent of the parent, guardian, or eligible student.

Authority: 34 CFR § 99.31

How will the child's records be transferred if the child is coming from or transferring into a nonpublic Maryland school?

When a student transfers to a Maryland public school from a Maryland non- public or parochial school, the receiving school's Guidance Office sends a formal written or faxed request for educational records. The sending non- public or parochial school should forward the records. If records are not forthcoming, the receiving public school has little recourse but to rebuild the student's academic record. The child must be permitted to enroll in and attend school while the academic records are being rebuilt.



I. Preschool Programs

What public preschool programs are offered in Maryland?

There are several public preschool programs that may be available and appropriate for a young child: pre-kindergarten, Head Start, and preschool services for children with disabilities.

What children are eligible for pre-kindergarten programs?

A child is eligible for a pre-kindergarten program if s/he is 4 years old or older on September 1 of the year of program entry and is from an economically disadvantaged family. "Economically disadvantaged" refers to children who are eligible for free or reduced price meals based on eligibility requirements established by the United States Department of Agriculture if the child were in kindergarten, which includes all children who are homeless or in foster care. Homeless children (including those awaiting foster care placement) are entitled to immediately enroll in the prekindergarten program even if the paperwork normally required is lacking at the time of enrollment.

If spaces are available after the enrollment of all economically disadvantaged children, the school system may enroll children who show a lack of school readiness. Families may inquire as to the availability of programs in their community by contacting the local school system or by visiting www.mdk12.org/instruction/ensure/readiness.

Authority: COMAR 13A.06.02.01, 13A.06.02.03 & 13A.08.01.02; Maryland State Department of Education Fact Sheet 31(prekindergarten)

What children are eligible for Head Start and Early Head Start programs?

Head Start & Early Head Start are federally funded school readiness programs for children from birth to age 5, including children with disabilities, whose families meet low-income eligibility guidelines. Early Head Start serves pregnant women and families with children from birth to 3 years old. Head Start serves families with children 3 to 5 years old. Children who are in foster care or homeless are eligible for these programs. In addition, homeless children (including those awaiting foster care placement) can provide the paperwork normally required to enroll a child in the program within a reasonable time frame, rather than providing the documentation at the time of enrollment. To find out about Head Start and Early Head Start programs in your area, visit: Head Start Center Locator at <http://eclkc.ohs.acf.hhs.gov/hslc/HeadStartOffices>

Authority: 42 USC §9835(m); Title 45 Code of Federal Regulations, Chapter XIII, Subchapter B

What if a preschool aged child has a disability?

Local school systems in Maryland offer a range of services for young children with disabilities. Since services and program options will vary according to the individual needs of the young child, each jurisdiction and family must work together to determine the most appropriate program for a particular child. The Maryland Infants and Toddlers Program offer services for children from birth to age three. An eligible infant or toddler is one who requires early intervention services because the child experiences developmental delays or has a diagnosed physical or mental condition likely to result in developmental delay. In addition, children ages 3 - 5 are eligible for a preschool special education services program provided through the local school system. To determine if a child is eligible, for preschool special education services contact the local school system's Child Find Coordinator.

Authority: 20 USC § 1432(4)(C), (E); 34 CFR § 300.12 ; COMAR 13A.13.01

When is a child eligible to attend kindergarten?

Children are eligible to enroll in kindergarten in Maryland public schools if they are 5 years old or older on September 1 of the year of kindergarten entry. Exceptions to this rule are when a child is granted a one year delay from the local school system based on the child's level of maturity or a child is granted early entry based on an assessment of kindergarten readiness in accordance with school system procedures). A child's enrollment in the following alternative settings is recognized as appropriate in lieu of enrollment in public kindergarten: a nonpublic school program approved by MSDE, a licensed child care center, a registered family child care provider, or in a Head Start program for 5 year olds.

Authority: COMAR 13A.08.01.02 & COMAR 13A.08.01.02-2

When is a child eligible to attend first grade?

Children are eligible to enroll in first grade in a local public school system if they are 6 years old or older on September 1 of the year of entry into first grade.

Authority: COMAR 13A.08.01.02



J. School Withdrawal

Do Maryland children have a “right” to go to school?

Yes. Every child who resides in Maryland and is age 5 or older has a right to attend public school in the State. This right terminates when a student graduates or earns a certificate of completion from high school, or at the end of the school year during which the child turns 21, whichever occurs first. This right may be limited only in cases involving student actions or behavior found to lawfully subject the child to suspension or expulsion from school.

Authority: MD. CONST., Art. VIII, Section 1; MD CODE ANN., EDUC. §§7-101(a) & 7-205; COMAR 13A.08.01.07

Does the “right” to go to school end when a child turns 16?

No. A child is required to attend school up to the age of 16. And a parent is responsible for ensuring that the child attends school up to age 16. This is called “compulsory attendance.” But a Maryland school district is not relieved of its obligation to provide a free public education to a child just because the child turns 16. That obligation continues until the child graduates or receives a certificate of completion from high school, or turns 21.

Authority: MD CONST. Art.VIII, Section 1; MD CODE ANN. EDUC §§7-101(a) & 7-301

May a school “withdraw” a child from school before s/he turns 16?

In most instances, when a school withdraws a student it is because the student is transferring to another school. A school may withdraw a child under age 16 who is not transferring to another school only in very narrow circumstances. Some examples are if a child is committed by a court to an institution that does not have an educational program; -if the child’s whereabouts are unknown; if a child has such a severe illness that no type of educational program is possible; if a child under age 5 proves to be too immature for school; if there is evidence that the child has a mental, physical or emotional condition that makes school instruction detrimental to the developmental progress of the child or whose presence poses a danger of serious physical harm to others; or for religious reasons after completion of the eighth grade.

Authority: MD CODE ANN., EDUC.§ 7-301(d); Maryland Student Records System Manual

May a school “withdraw” a child from school after s/he turns 16?

Schools have a continuing obligation to provide a public education to all students until they graduate or receive a certificate of completion from high school, or turn 21. Students who attain the age of 16 are allowed to drop out of school, and if they do they are recorded as having withdrawn. But a school may not unilaterally withdraw a student unless the student’s whereabouts are unknown (school officials have documented that they have been unable to locate the student or student is a child in state- supervised care who is listed as a runaway). If the school knows where the student and/or the parent reside, the school must first meet with the student and the parent to discuss educational options for the student.

Authority: MD CODE ANN. EDUC. §§ 7-101(a) & 7-301; COMAR 13A.08.01.07; Maryland Student Record Systems Manual

May a child enroll in school again after s/he has dropped out or been withdrawn?

Yes. As long as the child is under age 21, a child who has dropped out or been withdrawn from school still has a right to attend public school and may enroll in school again. A student age 18 or older may enroll himself or herself. A student under age 18 must be enrolled by an adult responsible for the student. It helps to have a copy of the form the school used to “withdraw” the student. This form should be available from the school the student last attended. The form will show when and why the student was withdrawn, and what withdrawal code was used. Students seeking to re-enroll should speak to the school enrollment official at the school in which they seek to enroll.

Authority: MD CODE ANN., EDUC. §7-101(a); Maryland Student Records System Manual

What can be done if a school refuses to enroll a student who has dropped out or been withdrawn?

Each local school system is required by law to have a dispute resolution process in place. Ask for the dispute resolution process.



K. School Attendance Requirements

What are school attendance requirements?

Maryland law requires all children 5 years old or older and under 16 to attend school. There is an exemption from attending school for children who are home schooled in accordance with State regulation and for children in state supervised care who are medically incapable of attending school full time (as documented and periodically updated in their case plans). There is also an exemption from kindergarten attendance if the parent or guardian of the child files a written request with the school system and verifies that the child is enrolled full-time in a licensed child care center or registered family day care, or part-time in a Head Start 5 year old program. Upon written request, a school system may also delay a 5 year old's enrollment in kindergarten by one year if the child is not mature enough to be in school.

There is an obligation for the person with legal custody or care and control of a child to ensure that a child age 5 and under 16 attends school. An adult's failure to meet this obligation could result in misdemeanor criminal charges. Any person who induces or attempts to induce a child to be absent from school unlawfully is subject to a fine imprisonment. Additionally, a child welfare agency that fails to ensure the school attendance of school age youth in state supervised care may risk losing certain federal funding.

Authority: 42 USC §671 (a)(30)(D); MD CODE ANN., EDUC. § 7-301

When is a student considered lawfully absent from school?

Under Maryland's compulsory attendance law, a local school superintendent, school principal may excuse a student for a lawful absence. A student is considered lawfully absent from school under the following conditions:

- Death in the *immediate* family. The LSS shall determine what relationships constitute the immediate family.
- Illness of the student. The principal shall require a physician's certificate from the parent or guardian of a student reported continuously absent for illness.
- Court summons
- Hazardous weather conditions. This means weather conditions which would endanger the health or safety of the student when in transit to and from school.



- Work approved or sponsored by the school, the local school system, or the State Department of Education, accepted by the local superintendent of schools or the school principal, or their designees as reason for excusing students.
- Observance of a religious holiday
- State emergency
- Other emergency or set of circumstances which, in the judgment of the superintendent or designee, constitutes a good and sufficient cause for absence from school.
- Health Exclusion
- Suspension
- Lack of authorized transportation. This does not include student denied authorized transportation for disciplinary reasons.

Authority: MD CODE ANN., EDUC. § 7-301; COMAR 13A.08.01.03

Would a child in state-supervised care be considered lawfully absent when s/he misses school due to a disruption in his/her home placement?

Yes.

Would a child in state-supervised care be considered lawfully absent if s/he has a medical, psychological, or other appointment scheduled during school hours?

Child welfare professionals are encouraged to schedule any appointments for a child in state-supervised care during non-school hours so as to minimize disruptions to the child's education. When such appointments are necessary, the principal may consider them to be lawful absences.

How many missed school days are allowed?

It differs by county. Each LSS may have an Administrative Regulation that addresses school action to be taken if a certain number of days are missed; e.g., 20% of a marking period.





L. Truancy

When is a child considered truant?

Under COMAR, students who are absent from school for a reason other than those cited as lawful are presumed to be unlawful and may constitute truancy. A truant is a student: who is absent without lawful cause as defined in COMAR13A.08.01.03 from attendance for a school day or portion thereof.

A habitual truant is a student who has been in membership in a school for 91 or more days in a school year and is unlawfully absent from school for a number of days or portion of days in excess of 20 percent of the school days within any marking period, semester or year. A school system has the prerogative of defining habitual truancy in a more but not less stringent manner (e.g., unlawful absences in excess of 15 percent of the school days).

What assistance is available for truant students?

Each school system attempts to have students attend school on a daily basis. If a student exhibits poor attendance, the school system will use a continuum of interventions to ensure school attendance. (A child may not be suspended out of school solely for an attendance related offense.)

Also, if the parents, guardians or caregivers determine there is a problem with school attendance, they may request assistance from the school. This assistance may include interventions such as:

- School contact with the parent/guardian or caregiver
- Letters to the parent/guardian or caregiver
- Detention
- Counseling
- The Student Support Team being involved in developing strategies to assist
- Review educational options, i.e., 504 Plan, special education
- In-school suspension
- Suspension
- Referral to the pupil personnel worker or school social worker
- Interventions by pupil personnel worker or school social worker
- Involvement of the Department of Social Services
- Referral to the truancy court or local truancy program
- Access to the local State's Attorney Office or legal authority

Authority: MD CODE ANN., EDUC.§ 7-301 & §7-305; COMAR 13A.08.01.04; Maryland Student Records Manual



M. Special Education

What is IDEA?

IDEA is the Individual with Disabilities Education Act of 2004. IDEA is a federal grant program to supplement local and State funding to assist local school systems in the provision of services to ensure students with disabilities receive a free appropriate public education (FAPE). It is designed to ensure that students with disabilities have access to the general education curriculum in the regular classroom, to the maximum extent possible. Special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a student with a disability. This instruction, where appropriate, is conducted in the classroom, in the home, in hospitals and institutions, and in other settings. Special education includes speech-language pathology services, travel training, career and technology education, and instruction in physical education if the service consists of specially designed instruction.

The Maryland State Department of Education assists local Infants and Toddlers Programs (LITPs) that serve children, birth through two years of age, and local school systems that serve children three through 21 years of age to comply with federal and state regulations and to implement policies and procedures through grant funding, professional development opportunities, technical assistance, and monitoring.

Information on special education can be accessed through the following websites:

<http://www.marylandpublicschools.org/MSDE/divisions/earlyinterv>

<http://idea.ed.gov>

<http://www.mdclaw.org/links-and-resources/publications>

Authority: 20 USC §§1400 *et seq.*

How does a student get special education services?

When parents, guardians, or foster parents have concerns regarding a student's educational performance, they should first talk with the student's teacher. This talk allows sharing of caregiver concerns and the teacher's opinion on the student's learning needs. If caregivers or the student's teacher believes the student may have a disability, the caregivers or teacher may request, in writing, that the student be evaluated. The results of the evaluation will determine if the student has a disability that requires the provision of special education and related services. Whatever the school decides to do, it must provide the parent notice of its decision regarding special education and related services. These decisions are appealable.

How will the foster child be evaluated?

A variety of assessment tools and strategies shall be used to gather sufficient relevant functional, cognitive, developmental, behavioral, and physical information, including information from the parent, guardian, or surrogate. No single procedure may be used as the sole criterion for determining if a student is a student with a disability, or an appropriate educational program for a student. A student shall be assessed in all areas related to the suspected disability, as appropriate, including: academic performance; communication; general intelligence; health; hearing; motor abilities; social, emotional, and behavioral status; and vision.

Authority: 34 CFR 300.301 & 300.304

Does the school need consent to evaluate a child?

The individual with the right to make education decisions for the child must generally give consent before an evaluation may occur. When consent is given to evaluate the child, the student is to be assessed within 60 calendar days of the consent and the evaluation is to occur within 90 calendar days of the date the local school system received the written referral.

For initial evaluations, if the child is a ward of the State and is not residing with the child's parent, the public agency is not required to obtain informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability, if despite reasonable efforts to do so, the public agency cannot discover the whereabouts of the parent of the child; the rights of the parents of the child have been terminated in accordance with

State law; or the rights of the parent to make educational decisions have been given to another person by a judge in accordance with State law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.

Authority: 34 CFR 300.300 & 300.301

What will happen after the child's assessment?

Information gathered from the tests conducted, along with existing data and information from the parents will determine if the student is a student with a disability who requires the provision of special education and related services. If the student is a student with a disability, an Individualized Education Program (IEP) team will develop an IEP for the student.

What is an IEP?

An IEP is an Individualized Education Program which is a written description of the present level of academic achievement and functional performance of a student with a disability. The IEP is used to develop individualized annual goals for the specialized services the student needs to address his or her unique needs.

The IEP describes the special education and related services that the child must receive. The IEP is developed or modified at an IEP meeting. The people who will attend the IEP meeting are the student's teachers, service providers, school administrators, and as appropriate, the student's parents/guardians/foster parents. These attendees make up the "IEP Team."

Authority: 34 CFR 300.22

What is the role of the parent/guardian, foster parent or other caregiver in the delivery of a special education for the child?

As a parent/guardian, foster parent or other bona fide caregiver, it is very important to maintain positive communication with the child's school and teachers. Keep the teacher informed and up to date on any changes in day to day activity and lifestyles that may affect learning (changes in medications, specialized medical equipment, etc). Try to maintain similar expectations for the child at home and school.

What does it mean to be appointed as a parent surrogate?

A "parent surrogate" means a person who is appointed by the local school superintendent to act in place of a parent of a child in the educational decision making process. A parent surrogate may represent the child in all matters relating to the identification, evaluation, educational placement, and the provision of a free appropriate public education to the child.

Public agency personnel shall request that the local school superintendent appoint a parent surrogate to represent a child at any point in the educational decision making process if it is suspected that the child may be disabled and if:

- The child is a ward of the State;
- The child is an unaccompanied homeless child; or
- The parents of the child are unknown or unavailable; and
- The child's rights have not been transferred in accordance with §8-412.1 of the Education Article, Annotated Code of Maryland.

A child in foster care requires the appointment of a parent surrogate by the local school system superintendent if the child's foster parent has not been granted limited guardianship for educational decision making purposes by the court that has placed the child in foster care.

Public agencies must ensure that a person selected as a parent surrogate:

- Is not an employee of the Maryland State Department of Education, local school system, public agency, or any other agency involved in the education or care of the child;
- Has no personal or professional interests that conflicts with the interest of the child the parent surrogate represents; and
- Has knowledge and skills that ensure adequate representation of the child.

Authority: 34 CFR 300.519; Md. Code Ann., Educ. §8-415

When a child with a disability is in foster care, may the foster parent serve as the child's parent?

The foster parent, with whom a child lives, may act as the child's parent in educational decisions if the foster parent has been granted limited guardianship for educational decision making purposes by the court that has placed the child in foster care.

Authority: 34 CFR 300.30 & 300.514

What if I disagree with the delivery of services in the child's program or placement?

If you feel that the child is not receiving a "free and appropriate public education "or "FAPE" you should first attempt to resolve your concerns by discussing them with the child's teacher and local school system. However, if after that discussion you feel that the child is still not receiving "FAPE", you may ask for a formal resolution of your concerns.

One way to have your concerns addressed is to initiate a mediation and/or a due process complaint. When you ask for mediation, you are asking that a neutral third party meet with you and school system representatives to discuss and negotiate your concerns. If you and the school system are able to work out some or all of your issues, the agreement will be put in writing and can be enforced in court. When you file a due process complaint you are asking for a trial against the school system. You may bring an attorney to this proceeding. The trial will be held at the Office of Administrative Hearings. You will be required to put on evidence that supports your position that the child is not receiving services as required. Before the trial begins, you may have to attend a dispute resolution session with the school system to see if the issues can be worked out.

Another way to have your concerns addressed is to file a State complaint. This is a complaint that is sent to the Maryland State Department of Education's Division of Special Education/Early Intervention Services. Your complaint should include a statement that the public agency has violated a requirement of federal or State law or regulation, and explain what happened that shows the law was violated. MSDE must then investigate and issue written findings within 60 calendar days of receiving the complaint. This document is called a Letter of Findings (LOF). Each LOF includes findings of fact, conclusions of law, and a statement of the corrective actions required, if any, to remedy a violation. If corrective actions are required, MSDE follows up with the school system to ensure each required action is completed within appropriate timelines.

For more information on the complaint process and how to file go to http://www.marylandpublicschools.org/MSDE/divisions/earlyinterv/complaint_investigation/

Authority: 34 C.F.R. §§300.300, and 300.519; MD CODE ANN., EDUC. §8-412; COMAR 13A.05.01.11G & COMAR 13A.05.02.13E.

What are Transition Services for a child with a disability?

Transition services are a coordinated set of activities and services for a student with a disability that can be set forth in the student's IEP beginning at age 14. Transition services promote movement from school to post-school activities. Post-school activities may include: post-secondary education; career and technology education; integrated employment (including supported employment); continuing and adult education; adult services; independent living; and community participation.

Transition services include needed activities in the areas of instruction, related services, community experiences, development of employment, or other post-school adult living objectives. They also include acquisition of daily living skills, and functional vocational evaluation, if appropriate.

Authority: COMAR 13A.05.01.03B(80)



N. 504 Plans and Special Assistance Available to Foster Children

What are 504 Plans and how can a foster child access this service?

A §504 Plan is a legal document that details the accommodations provided to regular education students with special needs in major life activities to provide the students with an equal opportunity to participate fully in school programs. The §504 Plan falls under the Rehabilitation Act of 1973, and enforced in school settings by the United States Department of Education, Office for Civil Rights. A §504 Plan is not an Individualized Education Program (IEP) for students with disabilities receiving special education and related.

Parents may request a §504 Plan for children who, with reasonable accommodations, can be successful in a regular education program. Periodic reevaluation is required for students who receive accommodations under §504.

Who is covered under a §504 Plan?

Section 504 applies to students who have a physical or mental impairment that limits one or more major life activities, but who are not eligible under IDEA because they do not require special education services to make meaningful progress in school. Some examples of major life activities are caring for oneself, walking, seeing, hearing, speaking and breathing.

What type of accommodations might be included in a §504 Plan?

The following are examples of accommodations that may be included in a §504 Plan:

- Adjustment to test taking (more time, questions given orally)

- Seating a child near the blackboard or near the teacher
- Excusing a child from class to get medications
- Allowing a child with diabetes to eat in class
- Note taker or tape recorder

Who is responsible for the development of a §504 Plan?

The § 504 Plan is developed to provide a student with accommodations to assist a regular education student with special needs to be successful in school. The following individuals may be included in developing the §504 Plan:

- The student (if appropriate)
- Parent or Legal Guardian
- Teacher
- Administrator
- School 504 Coordinator
- Staff members on the Student Support and/or Child Study Team
- School Counselor, Pupil Personnel Worker, Social Worker and/or Psychologist
- Physician, Psychiatrist, or other health professional
- Mental Health Clinician
- Speech and Language Pathologist
- Occupational Therapist/Physical Therapist

What can a parent/guardian/caregiver do if they feel the accommodations are not adequate?

The procedural safeguards afforded to parents under §504 are much less extensive than those for students with disabilities under IDEA. Under §504, each school district “shall establish and implement, with respect to actions regarding the identification, evaluation or educational placement of persons who, because of handicap, need or are believed to need special instruction or related services, a system of procedural safeguards” that includes:

- Notice, notice of parent rights, prior notice of evaluations and meetings, and notice of the results/actions taken regarding §504 requests;
- An opportunity for the parents or guardian of the person to examine relevant records;
- An opportunity for an impartial hearing with an opportunity for participation by the person’s parents or guardian, and representation by counsel; and
- A review procedure.

Each local school system has a §504 Coordinator to assist parents and school personnel.

Authority: 34 C.F.R. §104.36



O. EDUCATIONAL PLANNING FOR YOUTH IN FOSTER CARE

What educational planning is done for youth in foster care?

Every youth over the age of 14 must have an individualized transition plan that is as detailed as the youth chooses, and includes specific options on education, housing, health insurance, local opportunities for mentors, workforce supports and employment services. Additionally, plans for youth aging out of foster care must also include information on the importance of designating someone to make health care treatment decisions on behalf of the youth in foster care if the youth is unable to do so and does not have or want a relative who would otherwise be so designated under State/Tribal law to make such decisions.

Who creates the transition plan?

The youth, with the support and collaboration of his or her social worker, and other relevant persons that the youth chooses to participate in the planning process.

When must the transition plan be created?

Once a youth in foster care is 14 years old, s/he will work with her social worker to develop a transition plan. This transition plan will be updated annually for youth 14-16 years old; at least every 180 days for youth 16 years old and older and for youth 18 to 21 years old. For youth aging out of foster care at 18 years old or older, the transition plan must be developed during the 90-day period before the youth exits foster care.

The youth's social worker may prepare the youth well in advance to direct their transition plan by informing the youth ahead of time of the transition plan's purpose and importance, how they are expected to participate in the transition plan, who they can invite to the planning sessions to represent their needs, how it is different or similar to other planning activities, what options are available in the topics that must be covered (e.g., housing and health insurance) and how to ask questions that can uncover further information or options that may not have been raised by the youth's social worker.

Authority: 42 USC 675(5)(H); P.L. 111- 148; COMAR 07.02.10.08



P. Completing High School and Pursuing Post-Secondary Education: Academic and Financial Assistance

What assistance is available to foster students to earn or to make up work and high school credits?

When a student gets behind in the number of credits that they need to graduate, it becomes more likely that they will not graduate. It is important to monitor a student's progress through high school to be certain that they are on track to graduate. Students who are attempting to make up academic work or to obtain original credit for courses the following options may be offered, if applicable:

- f Twilight School – this is an extended day program
- f Credit recovery program – either at school or Maryland State Department of Education (MSDE) approved on-line programs
- f On-line courses – must be MSDE approved to be awarded credit
- f Evening high school

- f Summer school (Note: Some counties do not offer summer school course for original credit, i.e., the student must have taken the course during the school year and failed the course. You must check with the school system.)
- f Saturday school
- f Maryland Virtual Learning Opportunities – MSDE approved on-line courses
- f General Education Development Program (GED Program) – student must be at least 16 years old and withdrawn from school to participate (The GED is not an easy way to earn a high school diploma. A student reading on an elementary school level will not pass. It measures the skills and knowledge taught to a graduating high school senior. GED Tests are a rigorous battery of five tests that take more than seven and a half hours to complete. Additional information regarding the GED program may be found on the Maryland Department of Labor, Licensing and Regulation website at www.dllr.state.md/us/gedmd.

For further information regarding programs in a local school system, contact the school counselor or the system's central office, Director of Instruction. Some of these options may include a fee; however, students in state supervised care may be eligible for a fee waiver.

What assistance is available to assist foster children in attending post-secondary educational programs?

Tuition Waiver Program

Maryland offers a tuition waiver program for foster youth who graduated from high school or obtained their GED when they were in an out-of-home placement through the a local department of social services. Note that there are certain limitations on students' ability to access and use the waiver:

- This waiver does not apply to any fees for books or room and board.
- The waiver only is available for in-state public colleges.
- The waiver is only available for undergraduate degrees
- The waiver is available only if tuition is owed after other grants and scholarships are applied towards tuition
- To use the waiver, the student must enroll at the college before reaching age 25, must complete a degree within 5 years of enrollment, and must submit a Free Application for Federal Student Aid (FAFSA) each year prior to March 1.

(Note: The waiver is also available under the same conditions for a former foster child who resided in an out-of-home placement in the State on the individual's 13th

birthday and was adopted out of an out-of-home placement after the individual's 13th birthday. Any younger sibling of that child would also be eligible if they were concurrently adopted by the same adoptive family.)

Authority: MD Educ § 15-106.1

Education and Training Voucher Program

The Maryland Education and Training Voucher Program is a federally-funded, state-administered program designed to help youth who were in foster care on or after their 18th birthday or who leave foster care after age 16 because they are adopted or are placed in a kinship guardianship placement. Under the program, students may receive up to \$5,000/year for certain qualified school related expenses, including (in order of priority for payment):

- Tuition at an eligible post-secondary educational or vocational program (this does not include programs that do not lead to a degree or certification, or programs that are less than one-year long)
- Balances due at school
- On-campus room and board
- Meal cards
- Books and school supplies (such as uniforms, tools, equipment)
- One computer package
- Federal Student Loans
- Study abroad through qualifying schools

Once these expenses have been addressed, ETV funds can pay for other items, including rent, food, transportation, health insurance premiums, disability services, and dependent child care expenses.

First time applicants for ETV must be between the ages of 18 and 21, but recipients can re-apply up to the age of 23. To remain eligible for ETV, recipients must show continued progress towards their degree or certificate in an eligible program.

Authority: 44 U.S.C. § 677; COMAR 07.02.11.12; The Maryland ETV Program, <https://www.statevoucher.org/state.shtml?state=MD>

Other grants and scholarships

- Scholarships and grants through the Maryland Higher Education Commission: For example, high school seniors who complete a college preparatory program or technical preparatory program with an unweighted cumulative grade point average (GPA) of 2.500 or better may qualify for the Howard P. Rawlings Guaranteed Access Grant. Applicants must be seeking to enroll full-time (12 credits) at a public 2-year or 4-year university in Maryland. Annual awards range from \$400 to \$14,300, can be used towards tuition or room and board, and are renewable if eligibility criteria continue to be met and the student maintains satisfactory academic progress. (Note that the Rawlings Guaranteed Access Grant is distinct from and provides more funds than the Rawlings Educational Access Grant. The same applicant cannot receive both the Guaranteed Access Grant and the Educational Access Grant at the same time)
- FAFSA: Federal financial aid may be available for students who complete and submit the Free Application for Federal Student Aid (FAFSA) between January 1 and March 1. Some children who are or who were in state supervised care may be eligible to apply as “independents.”

Authority: Howard P. Rawlings Guaranteed Access Grant, http://www.mhec.state.md.us/financialAid/ProgramDescriptions/prog_ga.asp; FAFSA, <http://www.fafsa.ed.gov/>; 42 U.S.C. § 1087tt

Q. Discipline

What permits the local school system (LSS) and schools to exercise corrective discipline over students?

State law and regulations address discipline in school. Guidelines and guidance are provided for LSS to develop codes of conduct, disciplinary policies and programs geared to creating school climates that are orderly, safe, disciplined and conducive to learning. Each LSS is required to have in place a continuum model of prevention and intervention activities and programs that encourage and promote positive behavior and reduce disruption. Also, each LSS must have regulations in place that conform to the State code of discipline that establishes standards of conduct and consequences for violations of standards.

Authority: MD CODE ANN., EDUC. §§ 7-304 & 7-306

How can someone find out about a school's discipline rules and procedures?

Each LSS publishes and reviews with students its Code of Conduct, Rights and Responsibilities Handbook or the Student Handbook that describes the rules and regulations. They are distributed to each student at the beginning of the school year and reviewed in the classroom. Students entering during the school year receive a handbook, which is reviewed with school personnel. In most LSS, the student will sign off that this information was reviewed. The Student Handbook may also be available on the school system's Web site.

Authority: COMAR §13A.08.01.10

What disciplinary methods are schools allowed to use?

Discipline interventions that a school may use include, but are not limited to: counseling, conferencing, denying privileges, in-school suspensions, out-of-school suspensions, expulsions, and other disciplinary measures as deemed appropriate. However, corporal punishment is not a permitted means of discipline. The school attempts to use a continuum of interventions prior to removal from school.

Authority: MD CODE ANN., EDUC. §7-306

Can school personnel physically restrain a student?

Trained school personnel may only physically restrain a student in an emergency where restraint is necessary to avoid serious physical harm to the student or someone else, where the student's IEP or behavioral intervention plan permits it in specified circumstances, or where the student's parents have consented in writing to the use of restraint while a behavioral intervention plan is developed. Untrained school personnel can never restrain a student (however, the action of intervening in a fight and certain other actions are not considered restraint).

In applying physical restraint, school personnel can only use reasonable force, and cannot obstruct a student's airway, place a student face down, or straddle a student's torso. The restraint must be removed as soon as the student is calm and, in any case, must never exceed 30 minutes.

School personnel must be particularly careful in using physical restraint against children who are or have been in state supervised care, since many such children have experienced serious physical abuse or trauma.

Authority: MD Code Ann. Educ § 7-1101; COMAR 13A.08.04.02; 13A.08.04.05



What rights does a student have when facing suspension or expulsion?

Suspension and expulsion are used in instances when the behavior of a student is disruptive and detrimental to the operation of the school. There are safeguards that the school must use if a student is recommended for any suspension or expulsion from school. A student may not be sent home or prevented from attending school for a disciplinary reason without due process being provided by the school. The due process safeguards include the following:

- Conferencing with the student or student’s parent/guardian or caregiver promptly with the principal and any other appropriate personnel;
- At or before the conference, the student shall receive oral or written notice of the charges. If the student denies the charges, the student has the right to an explanation of the evidence supporting the charges and an opportunity to present the student’s side of the story;
- Following disciplinary measures, the student, parent/guardian or caregiver may appeal a suspension or expulsion.

These rights apply to all suspensions and expulsions regardless of length. If a principal wishes to suspend a student for more than 10 days or expel the student, the principal must take the additional step of involving the local superintendent or designee in the investigation and determination of whether the longer suspension is warranted.

Authority: COMAR 13A.08.01.11

If suspended or expelled, may a student, parent/guardian, or foster care worker have legal representation at the conference?

Yes. The student, parent/guardian, or foster care worker may have legal representation at the conference. They may seek assistance through the Maryland Disability Law Center, Legal Aid Bureau, or Maryland Volunteer Lawyers Service. Also, if the child has a Child in Need of Assistance (CINA) attorney, it is possible that s/he could represent the student at the school.

Is a student permitted to make up classwork if suspended or expelled from school?

A suspension is considered a legal absence from school. Students who are suspended for any period of time are allowed to make up schoolwork. Students may also be assigned to an alternative education program. Further detailed information should be discussed with representatives such as the pupil personnel worker (PPW) or the Director of Student Services at the LSS.

Under the Individuals with Disabilities Educational Act (IDEA), students with special education needs may be eligible for alternative education services. Contact the LSS's Director of Special Education for further information.

If a student is suspended/expelled from another school system, may s/he attend another school in Maryland?

Suspension/expulsion from school is a serious action taken by the LSS. As such, a local superintendent may deny attendance to a student who is currently suspended/expelled from another school system for a length of time equal to that suspension or expulsion. If a student is expelled for bringing a firearm onto school property, the student must be expelled for a minimum of one calendar year of 12 months, unless the local superintendent determines that a shorter expulsion is appropriate.

Authority: COMAR 13A.08.01.11(7) & COMAR 13A.08.01.12-1

If a child is not currently suspended or expelled but has a disciplinary history at his/her prior school, can this prevent the child from enrolling in another Maryland public school?

If a student is age appropriate and is capable of graduating by age 21, s/he may be eligible to reenter school. Often the local school will refer the student to a central office Hearing Officer to make appropriate recommendations for school reentry. Some recommendations may include:

- A conference with the student and legal guardian to review the student's school progress and what s/he has been doing since leaving school;
- Depending on the student's age, appropriate grade placement, post-school activities, and ability to graduate by 21 years of age, the decision for a school placement may include the following:
 - Regular day program
 - Evening high school
 - Summer school
 - Alternative school placement;

- Recommendation for community services to address student/family needs;
- Information for the student on obtaining his/her General Educational Development (GED) degree; or
- Referring the student to adult education courses to help obtain job training.

What intervention services do LSS provide for students with disciplinary issues?

Each LSS is required to have in place a continuum of preventions and interventions that respond to the severity of escalating behaviors in a school. This continuum of interventions and preventions is to be implemented through a system of behavioral supports, especially when behaviors impede learning or create an unsafe environment. Some interventions include:

- Communication with the home;
- Development of behavioral contracts;
- Incentive programs;
- After school detention or Saturday School;

Additionally, a coordinated student service program was established to provide a resource for students, families and the school. These programs traditionally consist of the following disciplines: guidance, pupil personnel, school psychology, and health services, but it is not uncommon for schools to have expanded teams that include other mental health professionals and child-serving agencies.

Other more intensive interventions many LSS employ include:

- School resource officers (SROs) to help maintain orderly and safe learning environments; and
- Alternative placements; e.g. in-school suspension, separate classrooms, schools- within-schools, and separate alternative schools.

Parents and advocates for students may wish to contact the school's pupil personnel worker or Director of Student Services for further information.

Authority: MD CODE ANN., EDUC. § 7-304; COMAR 13A.05.05.01

Do children with special education needs have any additional rights or protections regarding suspensions and expulsions?

Yes. Schools must follow certain procedures when seeking to suspend or expel a student who has a disability or a suspected disability.

Suspensions of 10 days or less: As long as the suspension is for 10 days or less, a school can suspend a student with a disability on the same terms as it would suspend any other student.

Suspensions of more than 10 days: For students with disabilities, a suspension of more than 10 consecutive school days or a series of removals that amounts to a pattern of removals of more than 10 school days in a school year constitutes a change in placement. In this situation, the student has the same rights as all students facing an extended (>10 day) suspension, as well as the following additional rights:

- Parents must be notified of suspension in writing
- The student's IEP team must conduct a "manifestation meeting" within 10 school days of the date school personnel removed the student from school.

Authority: COMAR 13A.08.03.03, .05 & .08

What happens at a manifestation meeting?

The IEP team must review all relevant information in the student's file, any teacher observations, any relevant information provided by the parents, and the IEP in order to determine:

1. If the conduct was caused by, or had a direct and substantial relationship to the student's disability; or
2. If the conduct was the direct result of the school's failure to implement the IEP.

If the answer is "yes" to either of these, the team must find that the conduct was a manifestation of the student's disability, rescind the suspension, and return the student to the placement from which the student was removed, unless the parent and school system agree to a new placement.

If the IEP team finds that the student's behavior was the direct result of the school's failure to implement the IEP, the school system must take immediate corrective action.

Authority: COMAR 13A.08.03.08

What if the IEP Team decides that the student's behavior was not a manifestation of the disability?

The school system will then proceed with the regular long-term suspension procedures.

If the student and parent do not agree with the manifestation determination, however, they may appeal the decision to the Office of Administrative Hearings (OAH). The OAH hearing shall occur within 20 days from the date of the hearing request and a decision is to be rendered within 10 days after the hearing.

Appealing a manifestation determination in a drug, weapon, or serious bodily injury case may prevent the student from being removed beyond 45 school days.

If a parent requests a due process hearing to challenge the manifestation determination, the student remains in the interim alternative setting until the appeal is resolved or until the end of the removal period, whichever comes first. The parents and school system may agree to another placement pending the appeal. Authority: COMAR: 13A.08.03.09

If a student with a disability is placed on extended suspension, what education services must the student receive during the suspension?

When a student with disabilities is on long-term suspension the student must continue to receive education services that:

- Enable the student to progress in the general curriculum
- Provide services and modification that are in the student's IEP
- Meet the goals of the IEP
- Provide services to address the behavior

(Home teaching is not an appropriate alternative educational setting)



R. Dispute, Complaint, Grievance Resolution

If a parent, foster parent, or another individual caring for a child in state supervised care is having trouble with school enrollment or accessing services in school, what should they do?

Each local board of education must have a process to address disputes, complaints, and grievances having to do with parent/guardian and student concerns. The resolution process must include procedures for filing a request for dispute, complaint, or a grievance resolution and reasonable timeframes for completion of the other aspects of the dispute resolution process. The procedures for seeking a dispute resolution may be found in the student/parent handbook or in the school system's administrative regulations.

Note that there are special dispute resolution procedures that apply in the context of amending school records (see Section E, Maintenance and Access to School Records), transferring school records (see Section H, Transfer of School Records), special education (see Section N, Special Education and Section O, §504 Plans), student discipline (see Section Q, Discipline), and homeless students (children "awaiting foster care placement").

What is the process for resolving disputes involving students who are "awaiting foster care placement"?

In working with students who are "awaiting foster care placement" (and considered homeless under McKinney Vento), school systems must have an expedited process in place for resolving disputes on issues of enrollment, school selection, and the provision or denial of certain services. The parent/guardian has the right to file a complaint; to receive a written explanation of the principal's decision regarding the dispute; and to engage in appeals of the decision first to the local school system superintendent, then to the local board of education, and then to the State Board of Education. Throughout the dispute resolution process, the child has the right to remain enrolled in the school system. If the dispute concerns enrollment or school selection, the school system must admit the child to the school in which the parent/guardian seeks enrollment pending resolution of the complaint and provide transportation to that school.



S. Who are the Players?

In the education system

School registrar – an individual at some schools who is responsible for the enrollment of students. The registrar’s supervisor is usually the school guidance chairperson.

School counselor – a member of the Student Services Team whose responsibilities include, but are not limited to, providing a pre-kindergarten through grade 12 developmental program that includes facilitating the academic, career, and interpersonal growth of all students. Additional duties include counseling, consultation services, conducting appraisal/assessment activities and managing information relevant to student needs and progress. This individual is usually a member of the Student Support Team (SST). The school counselor’s supervisor is usually the school guidance chairperson and the school principal.

School Guidance Chairperson – is the lead school counselor who is responsible for the coordination of services for students.

Pupil Personnel Worker (PPW) – a member of the Student Services Team whose responsibilities include, but are not limited to, developing, coordinating, and implementing programs and services for students in pre-kindergarten through grade 12 who are experiencing educational difficulties in areas related to attendance, academic success, student appraisal, case management, educational placement, staff development, coordination of involvement with community agencies, school enrollment, crisis intervention and behavior. This individual is usually a member of the SST. The PPW's supervisor is usually the Coordinator/Supervisor/ Director of Student Services.

School Social Worker/Intervention Specialist – a staff member who provides a continuum of services and activities based on social work principals. This individual provides consultation, counseling, and psychosocial assessments services to children, families, and schools in order to prevent or remediate educational, emotional, or behavioral problems. The social workers' and intervention specialists' supervisor is usually the school principal.

Principal – the individual performing the assigned activities of the administrative head of a school who has been delegated major responsibility for the coordination and direction of the activities of the school. This individual is the first person involved in formal disputes. This individual is usually a member of the SST. The principal's supervisor is usually the Central Office Director of Instruction.

Assistant or Vice Principal – a staff member working under the direction of the principal performing the assigned activities of the administrative head of a school to whom has been delegated major responsibility for the coordination and direction of the activities of the school. This individual is usually a member of the SST.

Director of Student Services – a local school system (LSS) central office professional in charge of the student services. This individual is responsible for the design, implementation, coordination, and evaluation of the LSS program. Guidance, Pupil Personnel Workers, and social workers are usually a part of an LSS's student services program. The Director of Student Services' supervisor is usually the Central Office Assistant Superintendent.

Director of Special Education – LSS central office professional in charge of the special education program. This individual is responsible for the design, implementation, coordination, and evaluation of the LSS program. The Special Education Director's supervisor is usually the Central Office Assistant Superintendent.

Area Superintendent/Academic Officer – LSS central office professional in charge of a variety of instructions and support services to local schools. The Area Superintendent/Academic Officer’s supervisor is usually the Central Office Assistant Superintendent.

Local School Superintendent – the individual charged under Maryland Code as the executive officer of the county board of education. This individual provides leadership to the local schools and professional staff to provide education for the children in a LSS.

Homeless Education Coordinator: The designated staff person in each school system who is responsible under the McKinney Vento Act for ensuring that homeless students are identified, enrolled, and provided with the supports they need for a full and equal opportunity to succeed in school.

In child welfare services system

Child Welfare Worker – a worker employed by Local Department of Social Services who provides child welfare services to address issues of child safety, permanence and well being.

Foster Care Worker – the LDSS worker who provides foster care services to a child who has been found CINA (a child in need of assistance) by the juvenile court and placed in an out-of-home placement. The foster care worker also provides services to the foster parents and the family of origin. The goal is to provide services to facilitate stabilization and integration of the child back into the family when it is in the best interest of the child.

Child Protective Services Worker – the worker who provides services in response to a report of suspected child abuse or neglect of a child. After a report is received of suspected child abuse or neglect, an investigation is to be completed within 60 days. The Child Protective Services investigation includes an assessment of the current safety of the child and other children in the household, an assessment of the extent of risk to the child, and a determination of any needed services to reduce the risk of maltreatment. When the investigation is completed, CPS staff will issue a “finding” as to whether the report is indicated, unsubstantiated or ruled out. Continuing CPS services may be provided after the investigation is completed to address any factors placing the child at risk.

Adoption Worker – the LDSS worker who provides services to a child when attempts to reunify the child with his/her parent(s) have been unsuccessful and the permanency plan for the child becomes adoption. The adoption worker addresses safety issues before and after the court has issued an order for TPR (Termination of Parental Rights). The goal is to provide services to facilitate the process of adoption of the child, including psychological and emotional preparation of the child for an adoptive placement, preparation of the adoptive family for a child who may or may not be known to them, and assisting the adoptive family in assuming full responsibility for the child.

Parent Aide – a para-professional who works in concert with the child welfare worker to provide support services to help the child’s caregiver address risk factors and reach identified goals. Parent aide services are often more concrete and informal.

Child Welfare Supervisor -- the direct supervisor of the child welfare worker is responsible for managing and supporting services provided by direct workers addressing issues of safety, permanency and well being.

Assistant Director/Deputy Director of LDSS – the local department administrator who is responsible for the overall administration of all child welfare services provided at the LDSS level.

Director of Local Department of Social Services – the director of a local department of social services in one of the 24 political subdivisions in Maryland. The director is appointed jointly by county officials (County Executive, County Commissioners or Mayor of Baltimore City) and the Secretary of the Maryland Department of Human Resources. The Director provides the overall leadership and guidance for all services provided by the local department.

Foster parent – the caregiver who is licensed to provide temporary care to children in foster care.

Kinship Care Provider (formal) – a caregiver who is appointed by the court to provide care to a relative who is a foster care child.

Parent of a Foster Child – the biological parent of a child who was found by a juvenile court to be either unable or unwilling to care for his/her child.

CASA (Court Appointed Special Advocate) – a volunteer who may be assigned by the juvenile court to serve as an advocate for the child during the juvenile court process.

Child’s Attorney – the attorney assigned to the child in a juvenile court process who represents the child in the CINA process.

Agency Attorney – the attorney that represents the local department of social services in the CINA process in the juvenile court.

Parent’s Attorney – the attorney who represents the interests of the parent in a CINA proceeding. If the parent is unable to afford a private attorney one will be appointed by the court.

Multidisciplinary case consultation team – a group of professionals convened regularly or as needed by a local department of social services to consult regarding investigation, service, or treatment of a child or family.

Authority: COMAR 07.02.07.02B(25)



T. INFORMATION FOR YOUTH SUPERVISED BY THE DEPARTMENT OF JUVENILE SERVICES

The Departments of Human Resources, Juvenile Services and Education have designed the Access to Education for Children in State-Supervised Care handbook for professionals working in Maryland child welfare and educational systems with the goal of minimizing common barriers to success in school for children in out-of-home placement whether under the supervision of DSS or DJS.

Involvement with and commitment to DJS may impact a child's education in ways similar or identical to commitment to DSS. This section highlights some of the issues unique to children involved with DJS.

Juvenile Services Youth as Foster Children

Many youth involved with DJS are awaiting placement in foster care or are "foster children."

DJS children awaiting placement in foster care include any child committed to or placed in the care and custody of DJS and who are placed into a temporary, short-term placement of not longer than 90 school days, such as in:

- A. An emergency or shelter facility;
- B. A diagnostic center;
- C. A psychiatric respite facility;
- D. An emergency foster home; or
- E. Another temporary, short-term placement not described below.

DJS children who are committed to DJS for out-of-home placement are generally considered foster children and are placed in residential child care facilities (i.e., group homes) or family foster care homes. The only non-foster care settings in which youth committed to DJS may be placed or reside pending placement are:

- A. A detention facility;
- B. A forestry camp, such as the DJS' Youth Camps;
- C. A training school;
- D. Any State owned and operated facility accommodating more than 25 youth; or

- E. Any other facility operated primarily for the purpose of detaining youth who are determined to be delinquent and require secure custody in a physically restrictive setting.

For each child removed from his or her home by order of the Juvenile court in response to a petition filed pursuant to Md. Cts. & Jud. Proc. Art. Title 3, Subtitle 8A of the Maryland Annotated Code, and placed in a foster care placement, DJS will work with the child's parent/guardian/caregiver to develop a plan for ensuring the educational stability of the child while in foster care including:

- A. taking into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement; and
- B. coordination with appropriate local educational agencies (as defined under 20 U.S.C. § 7801) to ensure that the child remains in the school in which the child is enrolled at the time of placement; or
- C. immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school, if remaining in the school in which the child is enrolled at the time of placement is not in the best interests of the child; and
- D. delivery of the services deemed necessary by the child's case plan and permanency plan.

Educational Services in Committed Placements:

Educational services in DJS' owned and operated facilities offer comprehensive, quality education that enhances the development of each youth who has been placed in the care and custody of DJS. Current programming includes provision of the core curriculum that is aligned with the Maryland State Department of Education's (MSDE) Core Learning Goals and Learning Outcomes for English, mathematics, science, and social studies. Youth are afforded an opportunity to participate in GED, pre-GED, post-secondary education, and career development programs, if applicable. Special Education services are provided to all youth who have an IEP, in accordance with federal and state law and schools implement an aggressive Child Find process. Section 504 Plans are implemented for identified youth.

Assumption of DJS schools by MSDE:

By 2014, all juvenile correctional education schools are scheduled to transition to MSDE. Until that time, both DJS and MSDE continue the work collaboratively to guarantee that students receive the materials, equipment, and high quality teachers

necessary to promote academic success. Close collaboration with local school systems ensures that students have the necessary transition support for re-entry back to the community. Md. Educ. Art. § 22-309. Workforce development programs assist youth in transitioning to the world of work.

Transition Services: The DJS Office of Pupil Services assists students who are returning to the community from DJS owned and operated residential placements as well as youth in the community in need of assistance with educational placements. The office coordinates the Interagency Transition Teams which include the youth and his or her parents/guardians/caregivers, public school representatives and DJS personnel. Community service agency representatives may also participate in team meetings. The Teams function as a single point of entry to school to facilitate enrollment in an appropriate educational setting.

The Office of Pupil Services provides comprehensive assistance to youth returning to public schools through the Interagency Transition Teams representing Maryland's 24 school systems. Transition specialists also provide assistance to youth enrolling in a GED program; entering or reentering a vocational, technical, or training school; enrolling in a two or four year college; or obtaining meaningful employment where appropriate.

Support services for DJS youth who are in or transitioning to the community:

Ensuring successful outcomes for DJS youth in the community is a collaborative process. Teams of individuals including the caregiver, service providers, case management specialists, and other agency representatives develop a plan of care for a youth and/or families, implement the plan over a set period of time, and evaluate the fidelity of the plan. A facilitator, who is trained for the role, oversees the team.

a. Offenses or Reportable Offenses

If a student is arrested for school-related conduct, the student may be disciplined by the school for the in-school misconduct. School discipline proceedings are independent of Juvenile court delinquency proceedings.

Certain serious offenses that occur in the community have been deemed "reportable offenses." Md. Educ. Art. § 7-303. If a student is arrested for a reportable offense or an offense that is related to the student's membership in a criminal gang, certain law enforcement agencies (which do not include DJS) must notify, as soon as practicable, the local school superintendent, the school principal and school security officer of the arrest. The State's Attorney must promptly notify either the local superintendent or the school principal of the disposition of the reportable offense. After receiving notice that a student committed a reportable offense, the school system may change the student's placement if deemed necessary to maintain a safe and secure school

environment for all students and school personnel. This change in placement is not a suspension or expulsion, and it must be reviewed quarterly. Except by order of the Juvenile court or other court upon good cause shown, the information reported by law enforcement or the State's Attorney is confidential and may not be made part of the student's permanent educational record. The information may, however, be shared with the local school superintendant of another school system in Maryland.

b. Attendance

School attendance and behavior also can affect DJS court proceedings. Frequently, terms of probation include regular school attendance and adherence to school rules. When this is the case, failure to attend school or violation of the school's rules may lead to a violation of probation.

c. Education Records

The school may release education records pursuant to parental consent, a court order or to respond to a subpoena. COMAR 13A.08.02.19A(9).

DJS, as the placement agency, may enroll a child in State supervised care in school. COMAR 13A.08.07.03-1A(2). If the youth's sending school does not have or does not provide the records needed by the receiving school, and DJS has access to them, DJS may provide the receiving school with the youth's IEP or Section 504 Plan; immunization records; blood lead testing certificate; birth certificate or other proof of age; and health records that are educationally relevant. Post-enrollment the child's parent or guardian retains general education decision making authority, unless the court has granted limited guardianship for educational decision-making to DJS. The person authorized to make special education decisions is the parent or the parent surrogate appointed by the local superintendent. COMAR 13A.08.07.03-3C.

Resources

Primary:

- U.S.C. is the United States Code. The Code is Federal law. You may find specific statutes at <http://uscode.house.gov/>. C.F.R. is the Code of Federal Regulations. You may find Federal regulations at <http://ecfr.gpoaccess.gov>.
- Maryland General Assembly Page (to find proposed and former bills as well as current Maryland Code (law) <http://mlis.state.md.us/>
- COMAR is the Code of Maryland Annotated Regulations. You may find the current regulations for child welfare services in Title 07 Human Resources and you may find current regulations regarding education in Title 13 Education at www.dsd.state.md.us/comar/. Proposed regulations are also at this site under the Maryland Register link.
- Maryland Department of Human Resources (state department responsible for Child Protective Services, Foster Care, Adoption) Reporting numbers to report suspected child abuse and neglect can also be found on this site <http://www.dhr.state.md.us/>
- Maryland Department of Education is the state department responsible for public school education: <http://www.msde.maryland.gov/msde>

Secondary:

Head Start information: www.mdk12.org/instruction/ensure/readiness

Maryland Student Records System Manual, available at

<http://www.marylandpublicschools.org/MSDE/newsroom/publications/>

A list of all the Maryland school district websites is available online at

<http://www.marylandpublicschools.org/MSDE/schoolsystems/>

For information about the Preschool Special Education and the Maryland Infants and Toddlers Program: Division of Special Education/Early Intervention Services
410-767-0261

For a list of Pre-kindergarten programs by county:

For information about Head Start programs:

<http://www.mdk12.org/instruction/ensure/readiness>, <http://www.acf.hhs.gov/programs/hsb/hsweb/index.jsp> (for a listing of Head Start programs in your area)
Maryland Head Start Collaboration Office, 410-767-0140

For immunization information: www.dhmh.state.md.us/just4kids/immun.htm
Center for Immunization, 410-767-6679

For information about screening for lead poisoning:
<http://www.fha.state.md.us/mch/och/html/lead.cfm> Childhood Lead Screening Program, 410-767-6748



Directors of Student Services Contact Information

<p>Allegany County Public Schools Executive Director of Student Services 108 Washington Street Cumberland, MD 21502 Phone: 301-759-2064</p>	<p>Harford County Public Schools Director of Pupil Services 102 South Hickory Avenue Bel Air, MD 21014 Phone: 410-588-5334</p>
<p>Anne Arundel County Public Schools Director of Pupil Services 2644 Riva Road Annapolis, MD 21401 Phone: 410-222-5322</p>	<p>Howard County Public Schools Director of Pupil Services 10910 Route 108 Ellicott City, MD 21042 Phone: 410-313-6662</p>
<p>Baltimore City Public School System Director of Student Services 200 East North Ave. Baltimore, MD 21202 Phone: 410-396-8672</p>	<p>Kent County Public Schools Supervisor of Pupil Services 5608 Boundary Avenue Rock Hall, MD 21661 Phone: 410-810-3170</p>
<p>Baltimore County Public Schools Director of Pupil Services 9610 Pulaski Park Drive, Ste. 219 Baltimore, MD 21220 Phone: 410-887-0238</p>	<p>Montgomery County Public Schools Director of Student Services 850 Hungerford Drive Rockville, MD 20850 Phone: 301-279-3912</p>
<p>Calvert County Public Schools Director of Pupil Services 1305 Dares Beach Road Prince Frederick, MD 20678 Phone: 410-545-7232</p>	<p>Prince George's County Public Schools Director of Pupil Services 14201 School Lane, Room 202-B Upper Marlboro, MD 20772 Phone: 301-952-6384</p>
<p>Caroline County Public Schools Supervisor of Pupil Services 204 Franklin Street Denton, MD 21629 Phone: 410-479-1460</p>	<p>Queen Anne's County Public Schools Supervisor of Student Services 202 Chesterfield Avenue Centreville, MD 21617 Phone: 410-758-1403</p>

<p>Carroll County Public Schools Director of Pupil Services 125 North Court Street Westminster, MD 21157 Phone: 410-751-3123</p>	<p>St. Mary's County Public Schools Director of Student Services 23160 Moakley Street P.O. Box 641 Leonardtown, MD 20650 Phone: 301-475-5511</p>
<p>Cecil County Public Schools Coordinator of Student Services 201 Booth Street Elkton, MD 21921 Phone: 410-996-5139</p>	<p>Somerset County Public Schools Supervisor of Student Services 7982-A Tawes Campus Drive Westover, MD 21871 Phone: 410-651-1616</p>
<p>Charles County Public Schools Director of Student Services & Alternative Schools 5980 Radio Station Road LaPlata, MD 20646 Phone: 301-392-7510</p>	<p>Talbot County Public Schools Supervisor of Student Services P.O. Box 1029 Easton, MD 21601 Phone: 410-822-0330</p>
<p>Dorchester County Public Schools Supervisor of Pupil Services 2565 Cambridge Bypass Cambridge, MD 21613 Phone: 410-901-6940 #7</p>	<p>Washington County Public Schools Director of Student Services P.O. Box 730 Hagerstown, MD 21741 Phone: 301-766-2962</p>
<p>Frederick County Public Schools Director of Student Services 191 South East Street Frederick, MD 21701 Phone: 301-644-5230</p>	<p>Wicomico County Public Schools Director of Student Services 101 Long Avenue Salisbury, MD 21801 Phone: 410-677-4504</p>
<p>Garrett County Public Schools Supervisor of Pupil Services 40 South Second Street Oakland, MD 21550 Phone: 310-334-8938</p>	<p>Worcester County Public Schools Supervisor of Pupil Personnel 6270 Worcester Highway Newark, MD 21841 Phone: 410-636-2582 ext. 5079</p>

Local School System Enrollment Point of Contact 2012-2013

Local School System	Name	Title	Email
Allegany	Sheree Witt-301-759-2064	Executive Director Student Services	sheree.witt@acps.k12.md.us
Anne Arundel	Wendy Chermak-410-923-2014	Pupil Personnel Worker	wchermak@aacps.org
Baltimore City	Lara Ohanian-410-396-8600	Coordinator, Office of Enrollment	lohanian@bcps.k12.md.us
Baltimore Co.	Sharon Ochs-410-887-0404	Coordinator of Pupil Personnel	sochs@bcps.org
Calvert	Donna Nichols- 410-535-7232	Supervisor-Student Services	nicholsn@calvertnet.k12.md.us
Caroline	William Allen-410-479-3253	Pupil Personnel Worker	bill_allen@mail.cl.k12.md.us
Carroll	Katherine Green- 410-751-3119	Supervisor-Student Support Services	kdgreen@carrollk12.org
Cecil	Mark Zawislak-410-996-5490	Coordinator-Student Services	Mszawislak@ccps.org
Charles	Mollie Johnson-301-392-7326	Coordinator-Student Services	mjohnson@ccboe.com
Dorchester	James Bell, Jr.,-410-228-4747 ex.1035	Supervisor-Student Services	bellj@dcpsmd.org

DJS	LaSandra Diggs-410-443-6041	Transition Specialist	diggsl@djs.state.md.us
Frederick	Kathleen Hartsock- 301-644-5230	Supervisor of Student Services	kathleen.hartsock@fcps.org
Garrett	Phillip Lauver-301-334-8938	Supervisor-Pupil Services	plauver@ga.k12.md.us
Harford	Stephen Lentowski-410-588-5334	Director-Student Services	steve.lentowski@hcps.org
Howard	Craig Cummings-410-313-7334	Coordinator for Alternative Ed./PPS	craig_cummings@hcpss.org
Kent	Darlene A. Spurrier-410-810-3170	Supervisor-Student Services	dspurrier@kent.k12.md.us
Montgomery	Steven Neff-301-279-3225	Director of Pupil Personnel Services	steve_neff@mcpsmd.org
Prince George's	Diane E. Powell-301-567-5702	Director-Student Engagement and School Support	diane.powell@pgcps.org
Queen Anne's	Brad Engel-410-758-2403 ex. 154	Supervisor-Student Services	Brad.Engel@gacps.org
St. Mary's	Charles Ridgell-301-475-5511 ex. 198	Director of Student Services	cerdigell@smcps.org
Somerset	Renee McLaughlin-410-621-6269	Supervisor-Student Services	rmclaughlin@somerset.k12.md.us
Talbot	Lynne Duncan-410-822-0330	Supervisor-Student Services	lduncan@tcps.k12.md.us
Washington	Carol Costello-301-766-8776	Supervisor of Student Services	costeocar@wcbce.k12.md.us
Wicomico	Kim Finger-410-677-4480	Director-Student Services	kfinger@wcboe.org
Worcester Co.	Frederick Grant-410-632-5079	Supervisor-Student Services	fdgrant@mail.worcester.k12.md.us

Local Department of Social Services Point of Contact

2012 – 2013

Local System	Name	Title	Email
<i>Allegany</i>	Brent Dressman -301-784-7021	Supervisor, Out of Home Services	bdressma@dhr.state.md.us
<i>Anne Arundel</i>	Chris Seipp 410-897-3908	Special Assistant to Administration	cseipp@dhr.state.md.us
<i>Baltimore City</i>	Bernice Beaird-443-423-5843 Bobby Joe- 443-423-5845 Sharon Vankirk- 443-423-5857	Education Specialist Education Specialist Education Specialist	BBeaird@dhr.state.md.us BJoe@dhr.state.md.us SVankirk@dhr.state.md.us
<i>Baltimore Co.</i>	Judith Schagrin- 410-853-3961	Assistant Director	jschagri@dhr.state.md.us
<i>Calvert</i>	Amy Scrivener 443-550-6966	Assistant Director for Services	Ascriven@dhr.state.md.us
<i>Caroline</i>	Jennifer Kovach.-410-819-4532	Supervisor	Jkovach@dhr.state.md.us
<i>Carroll</i>	Carrie Vincent-410-386-3436	Supervisor, Foster Care and Adoptions	cvincent@dhr.state.md.us
<i>Cecil</i>	Susan Bailey-410-996-0150	Assistant Director	sbailey@dhr.state.md.us
<i>Charles</i>	Tracy Ambos- 301-392-6701	Assistant Director for Family and Adult Services	tambos@dhr.state.md.us
<i>Dorchester</i>	Shareen Camper-410-901-4176	Foster Care Supervisor	Scamper@dhr.state.md.us

<i>Frederick</i>	Martha Sprow-301-600-2658	Assistant Director for Services	msprow@dhr.state.md.us
<i>Garrett</i>	Michael Dennis-301-533-3040	Services Supervisor	MDennis2@dhr.state.md.us
<i>Harford</i>	Jill Svrjcek 410-836-4911	Assistant Director for Services	jsvrjcek@dhr.state.md.us
<i>Howard</i>	Kathleen Jackson-410-872-8808	Foster Care Supervisor	Kjackso4@dhr.state.md.us
<i>Kent</i>	Nikki Strong-410-810-7654	Out of Home Supervisor	nstrong@dhr.state.md.us
<i>Montgomery</i>	Dorne Hill- 240-777-1032	Social Worker III/ Ombudsperson	Dorne.Hill@montgomerycountymd.gov
<i>Prince George's</i>	Debra Hayes- 301-909-2000 Claudia Lewis-301-909-2310 (serving as back-up for Debra)	<i>Assistant Bureau Chief for Foster Care and Adoptions</i>	Dhayes2@dhr.state.md.us
<i>Queen Anne's</i>	Joyce Davis 410-758-8038	Foster Care supervisor	jdavis3@dhr.state.md.us
<i>St. Mary's</i>	Jeanne Schmitt- 240-895-7170	Assistant Director for Services	jschmitt@dhr.state.md.us
<i>Somerset</i>	Theresa Simmons-410-677-4387	Supervisor for Foster Care and Adoptions	TSimmon2@dhr.state.md.us
<i>Talbot</i>	Susan Merriken-410-770-5473	Foster Care Supervisor	smerrike@dhr.state.md.us
<i>Washington</i>	Kathleen Chaney-240-420-2344	Foster Care Supervisor	kchaney@dhr.state.md.us
<i>Wicomico</i>	Diana Benson-410-713-3672	Foster Care Supervisor	DBenson@dhr.state.md.us
<i>Worcester</i>	Roberta Baldwin-410-677-6872	Assistant Director of Services	RBaldwin@dhr.state.md.us

Regional Department of Juvenile Services

Point of Contact

2012-2013

Regional Directors	Name	Title	Telephone
Baltimore City Region	Delmas Wood	Executive Director	443-263-8779
Central Region	James McClafferty	Regional Director	410-512-4060
Eastern Shore Region	John Gadsby	Regional Director	410-822-5010
Metro Region	Delmonica Hawkins	Regional Director	301-952-2573
Southern Region	Douglas Mohler	Regional Director	410-295-5740
Western Region	Robert McElvie	Regional Director	301-722-1605

SAMPLE PLACEMENT AGENCY LETTER CONFIRMING CHILD IS IN STATE SUPERVISED CARE

AGENCY LETTERHEAD

Dear Educational Provider:

This letter is intended to identify (child's name) (DOB) as a foster child in the state's legal custody as of (date of commitment hearing.)

(Child's name) is placed with (foster parent or group home provider's name), at (address.)
The contact for emergencies is (name of contact), who can be reached at (phone number.)

Please contact me if there are any changes or if you have further questions or concerns.

Sincerely,

(Caseworker's name) (Caseworker's
phone number) (E-mail)

(Supervisor's name) (Supervisor's
phone number) (E-mail)