

# Maryland Register

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## **Title 07** **DEPARTMENT OF HUMAN RESOURCES** **Subtitle 02 SOCIAL SERVICES ADMINISTRATION**

### **07.02.11 Out-of-Home Placement Program**

Authority: Courts and Judicial Proceedings Article, §3-801, 3-802, 3-815, 3-816.1, 3-817, 3-819.1, 3-819.2, 3-820, and 3-823; Education Article, §7-101(b) and 15-106.1; Family Law Article, §5-501, 5-504, 5-524—5-534, 5-701, and 5-709; Human Services Article, §9-101 et seq. and Annotated Code of Maryland (Agency Note: Federal Regulatory Reference: 42 U.S.C. §§620 et seq., 670 et seq.; 45 CFR §205.10; 45 CFR §303.72; 45 CFR 1355—1357)

#### **Notice of Proposed Action**

[14-361-P]

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

#### **Statement of Purpose**

The purpose of this action is to revise COMAR 07.02.11.12, in order to recognize the rights that youth “awaiting foster care placement” have as set forth in the McKinney-Vento Act of 1987 and defined in COMAR 13A.05.09.02. In addition the revision will strengthen the language to require the local department of social services to seek input during the “best interest determination process” from persons who are able to contribute relevant information regarding the educational needs of the child.

#### **Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

#### **Estimate of Economic Impact**

The proposed action has no economic impact.

#### **Economic Impact on Small Businesses**

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

#### **Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

#### **Opportunity for Public Comment**

Comments may be sent to Andrea Shuck, Regulations Coordinator, Department of Human Resources, 301 W. Saratoga Street, Room 265, Baltimore, MD 21201, or call 410-767-2149, or email to [andrea.shuck@maryland.gov](mailto:andrea.shuck@maryland.gov), or fax to 410-333-0637. Comments will be accepted through January 12, 2015. A public hearing has not been scheduled.

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

A. (text unchanged)

B. School Stability

(1) With respect to a child who is the custody of, committed to, or otherwise placed by the local department of social services in out-of-home placement, the local department shall determine whether it is in the child's best interests to continue the child's education at the school the child last attended prior to the most recent change in placement, *except for "a child awaiting foster care placement" as set forth in the McKinney-Vento Act of 1987 and defined in COMAR 13A.05.09.02.*

(2) (text unchanged)

(3) The local department of social services [may] *shall make efforts to seek input from the child's attorney, parent, parent surrogate, legal guardian and other persons who are able to contribute relevant information to the best interests determination made under this section, unless doing so will create undue delay in placement.*

(4) — (6) (text unchanged)

C. — L. (text unchanged)

TED DALLAS  
Secretary of Human Resources