



*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.

Table of Contents

A. <u>Child Protective Services (CPS) and the School</u>	Pages 1-2
◆ <u>Can CPS interview a child at school?</u>	
◆ <u>Why does CPS interview children in the school?</u>	
◆ <u>May school personnel be present during the CPS interview?</u>	
◆ <u>Who should be notified if CPS interviews a student on school premises concerning the suspected abuse or neglect of a child?</u>	
◆ <u>Does CPS have the authority to remove children from school?</u>	
B. <u>How a Child Becomes a Foster Child</u>	Pages 3-4
◆ <u>What does it mean to be a foster child?</u>	
◆ <u>Can a child become a foster child any other way?</u>	
◆ <u>Are children who live with their relatives foster children?</u>	
◆ <u>Where does a child stay while in foster care?</u>	
◆ <u>How long can a child stay in foster care?</u>	
◆ <u>What is the emotional impact of placement into foster care?</u>	
C. <u>The Juvenile Court Process for a Child in Foster Care</u>	Pages 5-7
◆ <u>How does the court process begin?</u>	
◆ <u>What happens during a shelter care hearing?</u>	
◆ <u>What happens after a shelter care hearing?</u>	
◆ <u>What happens next? How does the court monitor the child's situation?</u>	
◆ <u>Under what circumstances will the court close a child's case?</u>	
◆ <u>While a child is a CINA who makes decisions relating to school?</u>	
◆ <u>Do school personnel ever get involved in the court process?</u>	
D. <u>Records, Confidentiality and the Sharing of Information</u>	Pages 8-10
◆ <u>What information can the school provide to DSS when the department is conducting an investigation of suspected child abuse or neglect?</u>	
◆ <u>What information concerning a record or report of child abuse or neglect may school personnel share?</u>	
◆ <u>Will the school be notified by the local DSS of the results of a child abuse/neglect investigation?</u>	
◆ <u>Should schools notify parents/guardians that a report of suspected child abuse or neglect report has been made?</u>	
◆ <u>Should schools notify parents/guardians when removal of a child from school grounds is proposed or has occurred?</u>	
◆ <u>Can information from a child's school health record be shared with child welfare?</u>	
◆ <u>What school information is required for child welfare services foster care records?</u>	

- E. Student Records**Pages 11-12
- ◆ Why is it necessary to have student records?
 - ◆ What is in a student’s educational record?
 - ◆ Are student records confidential?
 - ◆ Who is allowed to inspect or review a student’s record?
 - ◆ What confidentiality protections are provided to a student receiving special education services?
- F. Enrollment of a Child in State Supervised Care**Pages 13-17
- ◆ Do children in state supervised care have a right to be in school?
 - ◆ Are children in state supervised care required to attend school?
 - ◆ What school should a child in state supervised care attend?
 - ◆ If a child’s residence changes and the child is no longer within the school boundaries, can the child stay enrolled in the school s/he was already in?
 - ◆ If a school change is necessary for a child, how do you determine which school the child should attend?
 - ◆ Does a child have to enroll in a school if it is dangerous or failing academically?
 - ◆ Once you determine what school a child should be enrolled in, what is the next step?
 - ◆ What are the caseworker’s responsibilities for enrolling a child into school?
 - ◆ What are a residential child care program operator’s responsibilities for enrolling a child in school?
 - ◆ What role does the child’s parent play in the child’s enrollment?
 - ◆ Who else can enroll an agency-placed child in school?
 - ◆ When should you seek to enroll a child in school?
 - ◆ When must a school enroll a child in state supervised care?
- G. Required Documents to Enroll**Pages 18-21
- ◆ What is needed to enroll a child in state supervised care in school?
 - ◆ Do you have to bring the child’s school records to enroll him/her in school?
 - ◆ What additional documents are required after a child in state-supervised care is enrolled?
 - ◆ What do you do if you disagree with the school’s refusal to enroll the child?
- H. Transfer of School Records**Pages 22-26
- ◆ If the child is transferring from one Maryland school to another, how will the new or “receiving” school get the child’s education records?
 - ◆ What children are covered by the Maryland educational records transfer law?
 - ◆ What schools does the Maryland educational records transfer law cover?
 - ◆ Does the state agency or DSS caseworker have any obligations under the Maryland educational records transfer law?
 - ◆ Can other responsible adults participate in initiating the transfer of a child’s school records?
 - ◆ When a child in state-supervised care is trying to enroll in a new school, what obligations does the receiving school have?
 - ◆ When a child in state-supervised care is trying to transfer to a new school, what obligations does the child’s sending school have?
 - ◆ Can a school require a caseworker or placement agency to hand carry a child’s school records to the receiving school?

- ◆ [What if there is a problem with the transfer of an agency-placed child’s school records?](#)
- ◆ [What educational records will be transferred to the child’s receiving school?](#)
- ◆ [What triggers the schools to transfer the records of a child in state-supervised care?](#)
- ◆ [How will a child’s records be transferred if the child is coming from or transferring to another state’s school system?](#)
- ◆ [How will the child’s records be transferred if the child is coming from or transferring into a nonpublic Maryland school?](#)

I. [Preschool Programs](#)Pages 27-28

- ◆ [What public preschool programs are offered in Maryland?](#)
- ◆ [What children are eligible for pre-kindergarten programs?](#)
- ◆ [What children are eligible for Head Start and Early Head Start programs?](#)
- ◆ [What if a preschool aged child has a disability?](#)
- ◆ [When is a child eligible to attend kindergarten?](#)
- ◆ [When is a child eligible to attend first grade?](#)

J. [No Child Left Behind \(NCLB\)](#)Pages 29-31

- ◆ [What is No Child Left Behind?](#)
- ◆ [Can a child in state-supervised care benefit from No Child Left Behind?](#)
- ◆ [What does it mean for a school to fail to meet state academic standards?](#)
- ◆ [How can I find out whether a particular school has failed to meet state academic standards?](#)
- ◆ [Which students have a right to “school choice?”](#)
- ◆ [How can a student exercise the right to “school choice?”](#)
- ◆ [Which students have a right to get supplemental educational services?](#)
- ◆ [What is a “persistently dangerous” school?](#)
- ◆ [How can I find out if a school is “persistently dangerous?”](#)
- ◆ [Can a student enrolled in a “persistently dangerous” school transfer to a safer school?](#)

K. [School Withdrawal](#)Pages 32-33

- ◆ [Do Maryland children have a “right” to go to school?](#)
- ◆ [Does the “right” to go to school end when a child turns 16?](#)
- ◆ [May a school “withdraw” a child from school before s/he turns 16?](#)
- ◆ [May a school “withdraw” a child from school after s/he turns 16?](#)
- ◆ [May a child enroll in school again after s/he has dropped out or been withdrawn?](#)
- ◆ [What can be done if a school refuses to enroll a student who has dropped out or been withdrawn?](#)

L. [School Attendance Requirements](#)Pages 34-35

- ◆ [What are school attendance requirements?](#)
- ◆ [When is a student considered lawfully absent from school?](#)
- ◆ [Would a child in state-supervised care be considered lawfully absent when s/he misses school due to a disruption in their home placement?](#)
- ◆ [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?](#)
- ◆ [How many missed school days are allowed?](#)

M. <u>Truancy</u>	Page 36
♦ When is a child considered truant?	
♦ Assistance for truant students	
N. <u>Special Education</u>	Pages 37-40
♦ What is IDEA?	
♦ I have heard that someone must be appointed my foster child's parent surrogate. What does that mean?	
♦ How do I get special education services?	
♦ How will the foster child be assessed or evaluated?	
♦ Does the school need my consent to assess a child?	
♦ When a child with a disability is in foster care, may the foster parent serve as the child's parent or does the child require the appointment of a parent surrogate?	
♦ What will happen with the results of the child's assessment?	
♦ What is an IEP?	
♦ What should my role be in the delivery of a special program for the child?	
♦ What if I disagree with the delivery of services in the child's program or placement?	
O. <u>504 Plans and Special Assistance Available to Foster Children</u>	Pages 41-43
♦ What are 504 Plans and how can a foster child access this service?	
♦ What type of accommodations might be included in a 504 Plan?	
♦ Who is Responsible for the development of a 504 Plan?	
♦ What can a parent/guardian/caregiver do if they feel the accommodations are not adequate?	
♦ What assistance is available to foster students to earn or to make up work and high school credits?	
♦ What assistance is available to assist foster children in attending post-secondary educational programs?	
P. <u>Transition Services for a Child With a Disability</u>	Pages 44-45
♦ What is Transition?	
♦ What is the goal of transition planning as it relates to students with and without disabilities in foster care?	
♦ What transition services are foster children entitled to and what is the difference between entitlement and eligibility?	
♦ What transition resources are available?	
Q. <u>Discipline</u>	Pages 46-49
♦ What permits the local school system (LSS) and schools to exercise corrective discipline over students?	
♦ How can I find out about a school's discipline rules and procedures?	
♦ What disciplinary methods are schools allowed to use?	
♦ What rights does a student have when facing suspension or expulsion?	
♦ If suspended or expelled, may a student, parent/guardian, or foster care worker have legal representation at the conference?	
♦ Is a student permitted to make up classwork if suspended or expelled from school?	

- ◆ [If a student is suspended/expelled from another school system, may s/he attend another school in Maryland?](#)
- ◆ [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?](#)
- ◆ [What intervention services do LSS provide for students with discipline issues?](#)
- ◆ [Do children with special education needs have any additional rights or protections regarding school discipline?](#)

R. **[Dispute, Complaint, Grievance Resolution](#)** Pages 50

- ◆ [If a foster parent feels that they are having trouble registering a foster child in school, what should they do?](#)

S. **[Who are the Players?](#)** Pages 51-54

- ◆ [In the education system](#)
- ◆ [In the child welfare system](#)

[Resources](#)Pages 55-56

[Director of Student Services Office Numbers](#)Pages 57-59

[Local School System Points of Contact](#)Pages 60-61

[Local Department of Social Services Points of Contact](#)Pages 62-63

[Sample Placement Agency Letter Confirming Child is in State Supervised Care](#)Page 64



A. Child Protective Services (CPS) and the School

Can Child Protective Services (CPS) interview a child at school?

Yes, schools shall allow Child Protective Services 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 may determine whether a school staff member needs to be present. The decision as to who may be present should be made collaboratively with the CPS investigator. The school official who may be present serves as a support to help the child feel more comfortable. He/she is an observer only and should not ask questions or take notes during the interview process. 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?

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.

The superintendent or designee should consult with the individual worker to decide whether a school official should be present and whether 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 welfare services may remove children from school with an order from the Court or with 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 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 07.02.11.02; 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 will find 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.

Authority: 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 have already experienced physical or sexual abuse, neglect, instability in their homes, and often 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. 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.

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.

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 court also will 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.

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 a child is in need of assistance are true.

Disposition Hearing: The court may hold a disposition hearing immediately following the adjudication hearing if the court found the allegations to be true. At that hearing, the court will decide whether the child is in need of assistance. This is often referred to as Child 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 can go home or whether the child will be placed in an out-of-home setting. If the child is placed in out-of-home care, the court likely will order visitation with the family.

Order of Protective Supervision: The court sometimes returns 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: 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?

Periodic Hearings: The court will hold periodic hearings to determine how the child is doing and whether the child should return home or remain in an out-of-home placement.

Before the hearing, all the parties will 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 set the next hearing unless the child has been returned home. These hearings occur approximately every six months.

Authority: MD CODE ANN., CTS. & JUD. PROC. §§ 3-823 & 3-826; COMAR 07.02.11.18

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 will 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, 07.02.11.22, 07.02.11.23, 07.02.11.24 & 07.02.12.

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. 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 regarding certain relevant issues. 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. Or 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.



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 is to 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; MD CODE ANN., FAM. LAW §5-706; 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. Art. 88A § 6 (b); MD CODE ANN., FAM. LAW § 5-704; COMAR 07.02.07.04, 07.02.07.09

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?

State regulations allow a student to be removed from school premises by a protective services worker only if child abuse or neglect is suspected, and the local department of social services has guardianship of the child, a court order, a shelter care order or authorization for a shelter care order to remove the child. A joint decision by the principal and the protective services worker should be made regarding who will notify the parents of the action to remove the child from school. Usually the notification will be made by the social worker when he/she arranges the initial family interview. In the absence of a joint decision regarding notification, 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 is required for child welfare services 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.
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. The educational services the child receives.
6. A copy of the child's current report card (if a copy is not available, explain).
7. A completed IEP if the child is eligible for special education services.
8. The name, address and telephone number of the child's Educational Parent Surrogate.
9. A description of the child's adjustment and/or performance with respect to social/emotional issues.
10. A description of the child's academic performance for each marking period.
11. A description of the child's strengths, weaknesses and extra curricular activities.
12. A description of the child's progress and/or barriers to the child's academic success.

Authority: COMAR 07.02.11.1



E. Student Records

Why is it necessary to have student records?

The 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 – see [Handbook Section D: Records, Confidentiality and the Sharing of Information](#))

Authority: 20 U.S.C. § 1232g; 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 such as: 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
- Disciplinary 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?

Under the Family Educational Rights and Privacy Act (FERPA) student records are confidential.

Authority: 20 U.S.C. § 1232g; MD CODE ANN., EDUC. 2-205; COMAR 13A.08.02.

Who is allowed to inspect or review a student's record?

Parents, guardians, and eligible students have the right to review and inspect a student's record. Additionally, for those students who have been determined to be CINA's, the

juvenile court may authorize the local department of social services and/or the student's attorney to inspect or review the student's record. LSS should require any requests for record information to be put in writing and a log be maintained.

Prior consent for disclosure is not required for the following to inspect or review student educational records:

- 1) other school officials who have legitimate educational interests;
- 2) officials of another school or school system in which the student seeks or intends to enroll; or
- 3) other authorities (set forth in COMAR 13A.08.02.23 and 13A.08.02.19).

Authority: 20 U.S.C. § 1232g; MD CODE ANN., EDUC. 2-205; COMAR 13A.08.02.

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

Under federal law, LSS must protect the confidentiality of any personally identifiable data, information, and records collected or maintained. 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 must 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 are required to be in school. A child who is 5 years old or older *by September* and under 16 *must* attend school.

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

If a youth in state-supervised care, aged 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

What school should a child in state supervised care attend?

The general rule is that a student should attend a public school in the county where the child is living with a parent, guardian, or relative providing informal kinship care. In the case of a child in state-supervised care, the general rule is that he/she will attend the school zoned for her or his residential address.

A child placed by a placement agency in another county and who seeks to enroll in a new school in that county has a *right to receive an appropriate education* from that local education agency.

Authority: Md. Code, Educ. § 7-101(b); Md. Code, Educ. § 4-122

If a child's residence changes and the child is no longer within the school boundaries, can the child stay enrolled in the school s/he was already in?

In some situations, enrolling in a new school after a change in residential placement may be the best option for a child where there are considerations of the child's permanency plan and distance from the child's sending school. But, in other circumstances, enrolling a child in a new school will cause unnecessary disruptions in the child's academic progress and the loss of relationships with friends, teachers, and mentors. The child's home school, caseworker, and caregiver(s) should consider the possibility of keeping the child in his/her home school and arranging transportation through the school system, caregiver, or DSS. Permission may be needed from the school principal.

If the child has moved to a different county, there is still the possibility that the child can continue to attend the home school. Upon request, a county superintendent or his/her designee (usually the principal or student services director) *may* allow a child to continue to attend school in a county for the remainder of the school year even if the child is not living in that county with his/her parent/guardian.

Authority: Md. Code, Educ. § 7-101(b)

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

To determine the neighborhood school (or "zoned" school) for the child's new residence, you can call the county school district central office. Often, the school district'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, for example: citywide, consortia, magnet, alternative, charter, private special educational placements, etc. Find out about such opportunities, application deadlines, and enrollment criteria through the local school system.

For children in out-of-home placement, 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 dangerous or failing academically?

No. Some students may have an option under the No Child Left Behind (NCLB) Act that gives a right of school choice to students who are in the attendance area for a “persistently dangerous” school or a school that has been identified for improvement because it has failed to meet certain academic standards. (For more information, read [Handbook Section J: No Child Left Behind Act](#)).

Authority: 20 USC § 7912; § 6316

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 enroll a child **within five days** of an out-of-home placement (unless factors outside the control of the local department of social services 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. For example: 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 are general education decisions. The following people are allowed to make general education decisions for a child in state care:

- natural/birth parent (if s/he still has education decision making authority), or
- caseworker, or the following, *if designated* by the caseworker:
 - guardian (or education guardian)
 - adoptive parent

- person acting as a parent who the child is living with (such as a relative or stepparent)
- foster parent
- formal kinship care provider
- residential child care program representative
- 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 the local school system where the residential child care program is located (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?

It is also possible that the child's parent or legal guardian may have retained educational decision-making authority in out-of-home placement situations. In those circumstances, the child's parent/guardian, if available, may assist with the child's enrollment and other education-related decisions such as decisions made at I.E.P team meetings.

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,

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

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 avoid missing school.

Maryland regulation requires the DSS caseworker to enroll a foster child in school within 5 days of an out-of-home placement unless this is “unattainable for reasons beyond the control of” the caseworker. If a caseworker knows that a child will be moving to a different residential placement and will have to change schools, the caseworker should begin to act immediately in order to avoid missed school days. If a child is moving over the summer, the caseworker should seek to enroll the child as early as possible to avoid delay at the beginning of the new school year.

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 that Maryland children in state supervised care must be *promptly* enrolled in school. 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 child provides the school 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. Required Documents to Enroll a Student

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

The person authorized to enroll the student will need: (1) documentation that the child is in state-supervised care; (2) identification of the person enrolling the student; (3) and proof of the residence of the care taker at the child's placement address. **This is all that schools can require for the child to enroll.**

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 may also need to present photo identification.

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

- The parts of the most recent court order establishing legal custody, or
- 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 should present a placement agency letter verifying the child's address, **PLUS one** of the following, as chosen by the person enrolling the child:

- A lease, rent receipts, deed, or property tax bill, OR
- A gas & electric bill, water bill, cable bill, online computer services bill, noncellular telephone bill, OR
- 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.

Upon receipt of the documentation required, the receiving school shall enroll the student immediately, if possible, but no later than two school days from the date of receipt of such documentation.

Authority: COMAR 13A.08.07.03-1

Do you have to bring the child's school records to enroll him/her in school?

No. You *do not* have to bring the child's school records in order to enroll a child who is in state-supervised care. The Maryland school that the child most recently attended is responsible for transferring an agency-placed child's records directly to the school where a child is seeking to enroll (for more information, read [Handbook Section H: Transfer of School Records](#)).

However, if the child's old school does not have or does not provide the records to the child's new school and you have access to those records, you should provide those records to the new school in order to best help the school and child. Placement agencies are *required by law* to do this.

In particular, if you have access to the records and the records have not been transferred by the old school, the following records should be provided to the child's new school: 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. §§ 8-501 – 8-506; 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, most 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 will want 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 with a health care provider or local health department to obtain the immunizations (or 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.state.md.us/mch/och/html/lead.cfm> or call the Program at 410-767-6748.

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 (immunizations), COMAR 10.06.04.04 - .06 (immunizations); Md. Code, Educ. § 7-403 (blood lead testing); COMAR 10.11.04.05 (blood lead testing)

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 documents described above (see answer to question [What is needed to enroll a child in state supervised care in school?](#)), request 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 and/or school records transfer of children in state supervised care. 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 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. §§ 8-501 – 8-605; COMAR 13A.08.07.01 – .05.

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

Does the state agency or DSS caseworker have any obligations under the Maryland educational records transfer law?

Yes. 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.

Authority: MD CODE ANN., EDUC. §§ 8-501(d) & 8-503(a)



Can other responsible adults participate in initiating the transfer of a child's school records?

Yes. Although they are *not required* to do so under the law, people other than caseworkers and placement agency employees, may provide the notice to the receiving school, thereby triggering the receiving school's obligation to initiate the child's school records transfer. However individuals should always notify the child's caseworker prior to taking such action. Individuals that may provide such notice include: 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 initiate the child's educational records transfer. More specifically, within *2 school days*, the receiving school must:

- 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 child's sending school have?

The sending school must orally provide the receiving school with immediate information about the child and also transmit the child's educational records. More specifically, the 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.
- 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, special education records.

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

Can a school require a 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.

Authority: 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 the right to file a request for dispute resolution. 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.08.07.04D

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 the student has completed, and
- the school contact person designated to provide additional information about the student.

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

Authority: Maryland Student Records System Manual

What triggers the schools to transfer the records of a child in state-supervised care?

The school must have notice of the child's enrollment. 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.

Although they are not required to do so under the law, people other than caseworkers and placement agency employees may also provide the notice to the receiving school, thereby triggering the receiving school's obligation to initiate the child's school records transfer. 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

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

When a student transfers from another state to a Maryland public school, the receiving school's Guidance Office sends a formal written or faxed request for educational records to the out-of-state school. Under FERPA, a formal request from a public school must be honored by the last school the student attended. Records may not be delayed due to unpaid school debts, questions of custody, etc.

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. However, often records are not forthcoming due to tuition, damage or lost school items at the sending school. The receiving public school has little recourse but to rebuild the student's academic record. The child will be permitted to enroll and attend school while the academic records are being rebuilt.

Authority: MD CODE ANN., EDUC. § 7-101(c)(8)



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. 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. Prior to 2007 a school system was required to enroll every 4-year old child in their district from an economically disadvantaged background whose parent requested enrollment depending upon available capacity. Beginning with school year 2007-2008, local boards of education are required to have completed expansion of pre-kindergarten programs in order to accommodate *all* economically disadvantaged 4-year-old children seeking enrollment. "Economically disadvantaged" means a family whose income would make a child 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. If spaces are available after the enrollment of all economically disadvantaged children, the school system may enroll children who show a lack of readiness in personal/social development, language/literacy, mathematical thinking, scientific thinking, social studies, the arts, or physical development and health.

Authority: COMAR 13A.06.02.01, 13A.06.02.03 & 13A.08.01.02; Maryland State Department of Education Fact Sheet 36 (school entry age)

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 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. To find out about Head Start and Early Head Start programs in your area, visit: [Search for a Head Start Program](http://www.acf.hhs.gov/programs/hsb/hsweb/index.jsp) (www.acf.hhs.gov/programs/hsb/hsweb/index.jsp)

Authority: Title 45 Code of Federal Regulations, Chapter XIII, Subchapter B; MSDE Fact Sheet 69 (Head Start and Early Head Start)

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 if they are 5 years old or older on September 1. Age eligible children *must* have an appropriate kindergarten experience before attending first grade. (An exception to this rule is when a child is granted a one year delay from the local school system due to the child's level of maturity). Five year-old children who have been enrolled in and attend a nonpublic school program approved by MSDE, a licensed child care center, or with a registered family child care provider, or in a Head Start program for 5 year olds are also considered as having a valid kindergarten experience. All local school systems are required to provide full-day kindergarten programs in every elementary school in Maryland for eligible students by school year 2007-2008.

Authority: COMAR 13A.08.01.02 & COMAR 13A.08.01.02-2; Maryland State Department of Education Fact Sheet 36

When is a child eligible to attend first grade?

Beginning in the 2007-2008 school year, all children admitted to the first grade in a local public school system must be 6 years old or older on September 1 of the school year in which the child applies for entrance to school.

Authority: COMAR 13A.08.01.02; Maryland State Department of Education Fact Sheet 36



J. No Child Left Behind (NCLB)

What is No Child Left Behind?

The reauthorization of the Elementary and Secondary Education Act, known as the No Child Left Behind Act (NCLB), was passed by Congress and signed into law in January 2002. It focuses on ways to improve schools' accountability for student performance. It includes requirements for annual testing of students, better teacher qualifications, and steps to improve low-performing schools.

Authority: 20 U.S.C. §§ 6301 et seq.; 34 C.F.R. §§ 200.01 et. seq.

Can a child in state-supervised care benefit from No Child Left Behind?

Yes. The law protects students who are attending certain schools that fail to meet state academic standards by providing (1) the right to transfer to a better school, or (2) the right to receive supplemental educational services at the failing school. The law also protects students who are attending "persistently dangerous" schools by providing them with the right to transfer to a safe school. All students, including children in state-supervised care, are eligible for these rights.

What does it mean for a school to fail to meet state academic standards?

All Maryland schools are required to test students in core subject areas of reading, math and science at certain grade levels. How the students score on the tests determine whether the school meets state academic standards. Student attendance records and graduation rates are also part of the formula. There is a statewide achievement goal for the year 2013-2014. Every school is required to show improvement every year toward meeting the statewide goal. If a school's test scores fail to show this improvement, the school is designated as failing to make "adequate yearly progress" (AYP). The first year a school fails to make AYP it is placed on alert status; if it fails to make AYP a second year in a row the school is in Year 1 School Improvement; if it fails to make AYP for the third year in a row the school is in Year 2 School Improvement; if it fails the fourth year in a row, the school is placed in corrective action and is required to develop a corrective action plan; if it fails for the fifth year in a row the school is required to develop a restructuring plan with alternative governance, known as Restructuring Implementation, and if the school fails the sixth year in a row the school will implement its restructuring plan with alternative governance, know as Restructuring Implementation.

Authority: 20 U.S.C. § 6311; 34 C.F.R. §§ 200.13-21 and §§ 200.30-53; COMAR 13A.01.04.01 - .09

How can I find out whether a particular school has failed to meet state academic standards?

MSDE has a website where you can find the list of Maryland schools that are not meeting state academic standards. Go to <http://www.mdreportcard.org/> and just click on “go” (don’t choose a county first). Then scroll down to the State Summary and click on “schools identified for improvement.” For every school on this list, you can see its “status” – whether it is in Year 1 or Year 2 of being designated a “school in need of improvement,” or whether it is in “corrective action” or “restructuring.” To see more details about a particular school, click on the name of the school.

Which students have a right to “school choice?”

In order for a student to have school choice rights under NCLB, the school the student attends must meet two criteria: (1) be designated as a “school in need of improvement” (either Year 1 or Year 2), Corrective Action or Restructuring), *and* (2) 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 the school your child attends is a Title I school, see the same chart at <http://www.mdreportcard.org/>, discussed in the previous question. If the school meets both these criteria, all students at the school must be given the right to transfer to a better performing school (one that has not been identified as needing improvement) in the same school district.

Authority: 20 U.S.C § 66316(b); 34 C.F.R. § 200.44; see also the answers to questions A2 and B1 in the U.S. Dept. of Education, non-regulatory guidance, *No Child Left Behind: Public School Choice* (Draft – February 2004), available online at <http://www.ed.gov/policy/elsec/guid/schoolchoiceguid.doc>.

How can a student exercise the right to “school choice?”

The school has an obligation to inform all parents and guardians of the right to school choice, and how to exercise it. Normally, the school should mail notices during the summer with instructions on what to do. It is the responsibility of the parent or guardian to request a school transfer. The student must be given the option to transfer to a better performing school, including a charter school. The school system may offer the parent a list of qualified schools for the parent to choose from. The school district has the right to make the final decision, but it must consider the parent’s preferences. The school district must provide transportation.

Authority: See the answers to questions in Section E in U.S.D.O.E. *Public School Choice*.



Which students have a right to get supplemental educational services?

Any low-income student who attends a Title I school that is in “Year 2 School Improvement”, or is in “corrective action” or is in “restructuring” may be eligible for supplemental educational services (tutoring and other academic supports). The purpose of the services is to help the student catch up to her or his academic grade level and perform better on the standardized tests. The services must be paid for by the school district, and be and provided outside of regular school hours. The parent or guardian must request the services, and may choose a provider from a list of approved providers.

For a list of approved providers, go to <http://www.marylandpublicschools.org/MSDE/programs/esea/> and click on “supplemental education services,” or ask the school principal or guidance counselor.

Authority: 20 U.S.C. § 6316(e); 34 C.F.R. §§ 200.45-.48

What is a “persistently dangerous” school?

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.

Authority: COMAR 13A.08.01.18B(4).

How can I find out if a school is “persistently dangerous”?

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.

Can a student enrolled in a “persistently dangerous” school transfer to a safer school?

Yes. The school district must notify all students who attend a “persistently dangerous” school that they have the right to transfer to a safer school, and a school that is meeting state academic standards, in the same school district. Transportation must be provided by the school district.

Authority: COMAR 13A.08.01.20



K. School Withdrawal

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

Yes. Every child who resides in Maryland has a right to enroll in and attend public school. This right terminates only after 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) & 7-305(d)(5).

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 education.” 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: if a child is committed by a court to an institution that does not have an educational program; if a student has brought a firearm onto school property or to a school-sponsored activity; or if the child’s whereabouts are unknown. A school may withdraw a child under 16, in consultation with a parent, if a child has such a severe illness that no type of educational program is possible, or if a child under age 5 proves to be too immature for school. A parent also may request the withdrawal of a student under age 16 in a few other circumstances: 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 for religious reasons after completion of the eighth grade.

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

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 up to the age of 21. Students over the age of 16 are allowed to decide 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 (either school officials have documented that they have been unable to locate the student, or if is a student 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. And the school may not withdraw the student without the parent’s (or educational decision maker’s) permission.

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

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 him or her. 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. The list of codes is in Section C of the Maryland Student Records System Manual. If a “W” code was used to withdraw the student, an “N” code must be used to enroll the student. To enroll, talk to the registrar or the principal at the school zoned for the student’s address. They will tell you what you need to do to enroll the student.

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

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.



L. School Attendance Requirements

What are school attendance requirements?

Maryland law requires that all children between 5 years old or older and under 16 *must* attend school. There is an exemption from attending kindergarten if the parent or guardian of the child files a written request with the LSS and verifies that the child is enrolled:

- Full time in a licensed child care center
- Full time in a registered family day care; or
- Part time in a Head Start 5 year old program

There is an obligation for the child's parent/guardian or caregiver to ensure that the child attends school. A person with legal custody or care and control of the child is required to see that a child who is 5 years old or older 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 not to exceed \$500 or imprisonment not to exceed 30 days or both.

Authority: 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 shall be interpreted to mean 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 LSS, 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. Shall not include student denied authorized transportation for disciplinary reasons.

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

Would a child in state-supervised care be considered lawfully absent when s/he misses school due to a disruption in their 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 school 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.



M. 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:

- Ages 5 through 20 who is absent without lawful cause as defined in COMAR 13A.08.01.03 from attendance for a school day or portion thereof; and
- 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. An LSS 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).

Assistance for truant students

Each LSS attempts to have students attend school on a daily basis. If a student exhibits poor attendance, the LSS will use a continuum of interventions to ensure school attendance. 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
- LSS truancy court or Baltimore City Public School System's Truancy Prevention Program
- Access to the local State's Attorney Office or legal authority

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



N. Special Education

The Individuals with Disabilities Education Improvement Act (IDEA) of 2004 is designed to ensure students with disabilities have access to the general education curriculum in the regular classroom, to the maximum extent possible, in order to: (i) meet developmental goals and, to the maximum extent possible, the challenging expectations that have been established for all students; and (ii) be prepared to lead productive and independent adult lives. Special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a student with a disability, including instruction 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.

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).

I have heard that someone must be appointed my foster child's parent surrogate. What does that mean?

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 Education Article

§8-412.1, 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. The foster parent may be appointed the child's parent surrogate.

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.

How do I get special education services?

If a parent, guardian, or foster parent has concerns regarding a student's educational performance, first and most importantly is to talk with the student's teacher. Express your concerns and get the teacher's opinion on the student's learning needs. If you or the student's teacher believes the student may have a disability, the parent or teacher may request, in writing, that the student be assessed. The results of the assessment will determine if the student has a disability that requires the provision of special education and related services.

How will the foster child be assessed or 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. 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.

Does the school need my consent to assess a child?

For initial evaluations only, 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 subrogated 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.

The student is to be assessed within 60 calendar days of the parent's absence and the evaluation is to occur within 90 calendar days of the date the local school system received the written referral.

When a child with a disability is in foster care, may the foster parent serve as the child's parent or does the child require the appointment of a parent surrogate?

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.

What will happen with the results of 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 a written description of the student's present level of academic achievement and functional performance used to develop individualized annual goals for the specialized services the student needs to address his or her unique needs. The IEP creates an opportunity for general education, special education, schools administration, and the student's parents, to work together to improve educational results for the student. The IEP is the cornerstone of a quality education for each student with a disability.

What should my role be in the delivery of a special program for the child?

As a parent/guardian, foster parent or other bona fide caregiver, it is very important to maintain positive communication with your 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 their learning (changes in medications, specialized medical equipment, etc). Try to maintain similar expectations at home and school.

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

The school must provide a "free and appropriate public education " or "FAPE" for the student. Since a child's education is a long-term process, it is always best when the parent/guardian, foster parent, or parent surrogate and local school system personnel are able to work collaboratively on behalf of the child. However, when that is not possible, the individual considered the child's parent for educational decision making has protections established under IDEA and COMAR. They include the State complaint process, mediation, and due process complaint. If you have a complaint, first contact the Director of Special Education within the local school system in which the child is residing.

If an individual believes a federal or State regulation concerning the provision of an appropriate public education including identification, evaluation and educational placement is not being followed, they have the right to file a State complaint, addressed to Assistant State Superintendent, Division of Special Education/Early Intervention

Services. A complaint should include a statement that the public agency has violated a requirement of federal or State law or regulation, and the facts upon which the statement is based. MSDE is to investigate and issue their findings within 60 calendar days of receipt of the written complaint. Also, under the provisions of IDEA, State law and COMAR if parents disagree with the determinations and recommendations of the IEP team, the parents have the right to initiate mediation and/or a due process complaint.

The Maryland State Department of Education has a Complaint Investigation Section which investigates and resolves complaints filed by individuals and organizations that allege violations of State and federal requirements regarding the education of students with disabilities. This requires conducting on-site visits, preparing written letters of findings that address each allegation, and determining if a violation of the requirements occurred. Each written decision includes findings of fact, conclusions of law, and an explanation of the decision. Each decision includes a statement of the corrective actions required, if any, to remedy a violation, and procedures for implementing the required actions, as needed. If corrective actions are required, follow-up activities are conducted to ensure each required action is completed within appropriate timelines.

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.



O. 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 provides accommodations to regular education students with special needs in major life activities. The 504 Plan falls under the Rehabilitation Act of 1973, and is a regulation of the United States Department of Education, Office for Civil Rights. Some examples of major life activities addressed are: caring for oneself, walking, seeing, hearing, and learning. A 504 Plan is not an Individualized Education Program (IEP) for students with disabilities receiving special education and related services in accordance with the Individuals with Disabilities Education Act (IDEA). Parents may request a 504 Plan for children who, with reasonable accommodations, can be successful in a regular education program. For each case, staff members and the child's parents will need to meet to make a decision about how often to review the 504 Plan and when follow-up meetings should occur.

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 near the blackboard or near the teacher
- A child may be excused from class to get medications
- A child with diabetes may be allowed to eat in class

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, [which includes child find, notice of parent rights, prior notice of evaluations and meetings, and notice of the results/actions taken at 504 Committee meetings];
- 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.

Compliance with the procedural safeguards of IDEA is one means of meeting this requirement. Each local school system has a §504 Coordinator to assist parents and school personnel. Parents may also contact the Maryland State Department of Education.

Authority: 34 C.F.R. §104.36

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

Students who are attempting to make up academic work or to obtain original credit for courses the following options may be offered, if applicable:

- Twilight School – this is an extended day program
- Credit recovery program – either at school or Maryland State Department of Education (MSDE) approved on-line programs
- On-line courses – must be MSDE approved to be awarded credit
- Evening high school
- Summer school
- Saturday school
- Tutoring by school staff or a school sponsored student to student program
- Maryland Virtual Learning Opportunities – MSDE approved on-line courses
- General Education Development Program (GED Program) – student must be withdrawn from school to participate

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?

Post Secondary Education - foster children who have graduated from a public or private high school in Maryland may attend a college/university in Maryland as long as they are enrolled before the age of 21. Costs associated with Post Secondary Education are obtainable through the Education and Training Voucher Program (ETV) and Maryland State Tuition/Fee Waiver Act. For additional information regarding these programs contact the Social Services Administration of the Department of Human Resources.



P. Transition Services for a Child with a Disability

What is Transition?

(a) "Transition services" means a coordinated set of activities and services for a student with a disability, designed within an outcome-oriented process, that promotes movement from school to post-school activities, including:

- (i) Post-secondary education;
- (ii) Career and technology education;
- (iii) Integrated employment, including supported employment;
- (iv) Continuing and adult education;
- (v) Adult services;
- (vi) Independent living;
- (vii) Community participation;
- (viii) Vocational Counseling;
- (ix) Job Coaching

(b) "Transition services" also means activities based on the student's needs, taking into account the student's preferences and interests.

(c) "Transition services" include:

- (i) Needed activities in the areas of instruction, related services, community experiences, development of employment, or other post-school adult living objectives;
- (ii) Acquisition of daily living skills; and
- (iii) Functional vocational evaluation, if appropriate.

(d) "Travel training" means providing instruction to students with disabilities, as appropriate, who require this instruction to enable them to:

(e) Develop an awareness of the environment in which they live; and

(f) Learn the skills necessary to move effectively and safely from place to place within that environment.

Authority: COMAR 13A.05.01



What is the goal of transition planning as it relates to students with and without disabilities in foster care?

The goal of transition planning is to assist students with or without disabilities as they prepare to leave school and move to:

- Post-secondary education
- Vocational training
- Integrated employment (including supported employment)
- Continuing and adult education
- Adult services
- Independent living
- Community participation

What transition services are foster children entitled to and what is the difference between entitlement and eligibility?

All children, including children in state-supervised care are entitled to transition services as part of their education while enrolled in a public or nonpublic school. Transition is the process of moving from entitlement services to eligibility services. In Maryland, a student with a disability who is receiving special education services is entitled to educational services through the end of the school year in which the student turns 21 years of age or has met the requirement for a high school diploma. Once a student exits the school system, he/she must meet eligibility criteria and funding availability to receive services from adult service agencies.

What transition resources are available?

Each local school system has designated a lead transition coordinator who is responsible for providing information about local transition practices and services. For the lead transition coordinator in each school system, contact 410-767-0242 or visit the MSDE web site: www.msde.state.md.us

In addition, the Division of Rehabilitation Services (DORS) provides assessment and evaluation, vocational rehabilitation counseling and guidance, job search and placement assistance, and support services. For more information and a listing of the regional DORS offices visit: www.dors.state.md.us

**** Special Note: Foster children who have graduated from a public or private high school in Maryland may attend a college/university in Maryland as long as they are enrolled before the age of 21. Costs associated with Post Secondary Education are obtainable through the Education and Training Voucher Program (ETV) and Maryland State Tuition/Fee Waiver Act.*

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(a) & 7-306(b)(c).

How can I 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.08.01.09 & 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. The school attempts to use a continuum of interventions prior to removal from school.

Authority: MD CODE ANN., EDUC. §7-306



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:

- o Conferencing with the student or student's parent/guardian or caregiver promptly with the principal and any other appropriate personnel;
- o 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;
- o Following disciplinary measures, the student, parent/guardian or caregiver may appeal a suspension or expulsion within the guidelines established at the LSS;
- o A Maryland State Board of Education opinion held that students have the right to appeal all suspensions, both those more than 10 days and those 10 days or less.

Authority: COMAR 13A.08.01.11; State Board Op. No. 00-15 (March 22, 2000)

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

Yes. The parents or legal guardians may seek legal representation 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 suspended for a period less than 10 days or on extended suspension for more than 10 days shall be able to make up schoolwork. Further detailed information should be discussed with representatives such as the pupil personnel worker (PPW) or the Director of Student Services at the LSS.

A student expelled from school may not be permitted to make up work. 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.

Authority: Maryland Student Records System Manual

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 one calendar year of 12 months.

Authority: COMAR 13A.08.01.11(7)

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 reentrance. 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:

- o School resource officers (SROs) to help maintain orderly and safe learning environments; and
- o 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(a); COMAR 13A.05.05.01

Do children with special education needs have any additional rights or protections regarding school discipline?

Yes. The school system cannot suspend (for more than 10 consecutive days) or expel a child because of behaviors related to his or her disability without following certain procedures.

If the child is not a special education student but you think that the disciplinary problem could possibly be related to an unidentified disability, the child should be referred to the IEP team to be assessed for special education.

For further information on school discipline in the special education context, see the special education section of the handbook ([Handbook Section N: Special Education](#)).



R. Dispute, Complaint, Grievance Resolution

If a foster parent feels that they are having trouble registering a foster child 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 LSS Administrative Regulations.



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.

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.
COMAR 07.02.07.02B(25)



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:
http://mdk12.org/instruction/ensure/readiness/pkp_directory.html

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.dhmf.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 Office Numbers

Executive Director of Student Services
Allegany County Public Schools
P.O. Box 1724
9 Cumberland, MD 21502
Phone: 301-759-2064

Supervisor of Pupil Services
Caroline County Public Schools
204 Franklin Street
Denton, MD 21629
Phone: 410-479-1460

Director of Pupil Services
Anne Arundel Public School
2644 Riva Road
Annapolis, MD 21401
Phone: 410-222-5322

Director of Pupil Services
Carroll County Public Schools
125 North Court Street
Westminster, MD 21157
Phone: 410-751-3123

Acting Director of Student Services
Baltimore City Public Schools System
200 East North Avenue
Baltimore, MD 21202
Phone: 410-396-8672

Coordinator of Student Services
Cecil County Public Schools
201 Booth Street
Elkton, MD 21921
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Director of Pupil Services
Baltimore County Public Schools
9610 Pulaski Park Drive, Ste. 219
Baltimore, MD 21220
Phone: 410-887-0238

Director of Student Services & Alternative Schools
Charles County Public Schools
P.O. Box 2770, 5980 Radio Station Road
LaPlata, MD 20646
Phone: 301-392-7510

Director of Pupil Services
Calvert County Public School
1305 Dares Beach Road
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Phone: 410-535-7232

Supervisor of Pupil Services
Dorchester County Public Schools
P.O. Box 619, 700 Glasgow Street
Cambridge, MD 21613
Phone: 410-228-4747



Directors of Student Services Office Numbers

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Frederick County Public Schools
7516 Hayward Road
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850 Hungerford Drive
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Garrett County Public Schools
40 South Second Street
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Director of Pupil Services
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10910 Route 108
Ellicott City, MD 21042
Phone: 410-313-6662

Director of Pupil Services
St. Mary's County Public Schools
P.O. Box 1410
Leonardtowntown, MD 20650
Phone: 301-475-5511

Supervisor of Pupil Services
Kent County Public Schools
215 Washington Avenue
Chestertown, MD 21620
Phone: 410-810-3170

Student Services Specialist
Somerset County Public Schools
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Westover, MD 21871
Phone: 410-651-1616



Directors of Student Services Office Numbers

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Talbot County Public Schools
P.O. Box 1029
Easton, MD 21601
Phone: 410-822-0330

Director of Student Services
Wicomico County Public Schools
P.O. Box 1538, 101 Long Avenue
Salisbury, MD 21801
Phone: 410-677-4504

Director of Student Services
Washington County Public Schools
P.O. Box 730
Hagerstown, MD 21741
Phone: 301-766-2962

Supervisor of Pupil Services
Worcester County Public Schools
6270 Worcester Highway
Newark, MD 21841
Phone: 410-632-2582 ext. 5079



Local School System Enrollment- Point of Contact SY 2010-2011

Local School System	Name	Title	Email
<i>Allegany</i>	Sheree Witt - 301-759-2064	Executive Director Student Services	switt@allconet.org
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<i>Baltimore City</i>	Ernest Miles - 410-396-8600	Staff Associate, Off. Of Student Placement	emiles@bcps.k12.md.us
<i>Baltimore Co.</i>	Sharon Ochs -410-887-0404	Coordinator of Pupil Personnel	sochs@bcps.org
<i>Calvert</i>	Karen Neal, 410-535-7232	Supervisor-Student Services	nealk@calvertnet.k12.md.us
<i>Caroline</i>	Mary Anne Adkins, 410-479-3253	Supervisor-Pupil Services	maryanne_adkins@mail.cl.k12.md.us
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<i>Cecil</i>	Joseph Millward, 410-996-5490	Director-Student Services	jmillward@ccps.org
<i>Charles</i>	Mollie Johnson, 301-392-7326	Coordinator-Student Services	mjohnson@ccboe.com
<i>Dorchester</i>	James Bell, Jr., 410-228-4747	Supervisor-Pupil Services	bellj@dcpsmd.org
<i>DJS</i>	LaSandra Diggs, 410-443-6041	Transition Specialist	diggsl@djs.state.md.us
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<i>Garrett</i>	Phillip Lauver, 301-334-8938	Supervisor-Pupil Services	plauver@ga.k12.md.us
<i>Harford</i>	Stephen Lentowski, 410-588-5334	Director-Student Services	steve.lentowski@hcps.org
<i>Howard</i>	Craig Cummings, 410-313-7334	Coordinator for Alternative Ed./PPS	craig_cummings@hcps.org
<i>Kent</i>	Darlene A. Spurrier, 410-810-3170	Supervisor-Student Services	dspurrier@kent.k12.md.us
<i>Montgomery</i>	Steven Neff, 301-279-3225	Director of Pupil Personnel Services	steve_neff@mcpsmd.org
<i>Prince</i>	Diane E. Powell, 301-567-5702	Director-Student Services	diane.powell@pgcps.org

Local School System Enrollment- Point of Contact
SY 2010-2011

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<i>St. Mary's</i>	Charles Ridgell, 301-475-5511 ex. 198	Director of Student Services	cerdigell@smcps.org
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<i>Talbot</i>	Lynne Duncan, 410-822-0330	Supervisor-Student Services	lduncan@tcps.k12.md.us
<i>Washington</i>	Carol Costello, 301-766-8776	Supervisor of Alt. Pgm. & Student Sev.	costeocar@wcbce.k12.md.us
<i>Wicomico</i>	Kim Finger, 410-677-4480	Director-Student Services	kfinger@wboe.org
<i>Worcester Co.</i>	Frederick Grant, 410-632-2582	Supervisor-Pupil Services	fdgrant@mail.worcester.k12.md.us

**Local Department of Social Services
Point of Contact
2010-2011**

Local School System	Name	Title	Email
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<i>Baltimore City</i>	Arnetta Hargrove – 443-423-5980 Bernice Beaird-443-423-5987 Bobby Joe- 443-423-5983	Education Specialist Education Specialist Education Specialist	AHargrov@dhr.state.md.us BBeaird@dhr.state.md.us BJoe@dhr.state.md.us
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<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>	Vera Doukmajian -240-777-3596	Social Worker III/ Ombudsperson	vera.doukmajian@montgomerycountymd.gov
<i>Prince George's</i>	Debra Hayes, 301-909-2000	Assistant Bureau Chief for Foster Care and Adoptions	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>	Claudia L. Nelson-410-677-4351	Supervisor for Foster Care and Adoptions	Cnelson@dhr.state.md.us
<i>Talbot</i>	Susan Merriken-410-770-5473	Foster Care Supervisor	SusanMerriken@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 Co.</i>	Roberta Baldwin-410-677-6872	Assistant Director of Services	RBaldwin@dhr.state.md.us

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)