


Nancy S. Grasmick  
State Superintendent of Schools

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

**TO:** Members of the Maryland State Board of Education  
**FROM:** Nancy S. Grasmick   
**DATE:** May 27-28, 2009  
**SUBJECT:** COMAR 13A.08.05 (AMENDED)  
Informal Kinship Care  
**ADOPTION**

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**PURPOSE:**

To adopt amendments to COMAR 13A.08.05 Informal Kinship Care (**ATTACHMENT D**).

**BACKGROUND/HISTORICAL PERSPECTIVE:**

In its 2002 session the Maryland General Assembly amended §7-101 of the Education Article, Annotated Code of Maryland, to address the enrollment in school of children receiving informal kinship care. As originally enacted, the law allowed children who were Maryland residents to attend public schools in the counties where the children were living with relatives providing informal kinship care. The law addressed only those children who were living with relatives in counties different from the ones where the children were domiciled with their parents or legal guardians. It did not address school enrollment for children living with a relative in the same county.

To fix this gap in the law, the Maryland General Assembly during the 2008 session amended §7-101 to allow for school enrollment of children in informal kinship care who are living with a relative in the same county in which the child is domiciled with the parent or legal guardian, but in a different school attendance zone within that county to attend the school associated with the district in which the relative lives. Section 7-101 (c)(2)(i)(2) not only effects the change above but also amends the form of the affidavit used to verify the informal kinship care relationship.

**EXECUTIVE SUMMARY:**

COMAR 13A.08.05 contains the implementing State regulations for informal kinship care. The proposed amendment aligns the COMAR provisions with the new requirements of §7-101. The proposed regulation was published in the Maryland Register, Vol.36, Issue 8, Friday, April 10, 2009. The public had the opportunity to submit comments until May 11, 2009. As of this date, no comments have been received.

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**ACTION:**

I am recommending the Board adopt these amendments to COMAR 13A.08.05 Informal Kinship Care.

NSG:JM:crt

Attachment

**Statement of Purpose**

The purpose of this action is to define which children in Maryland would be considered children awaiting foster care placement.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** The cost of transportation may increase due to including children awaiting foster care placement.

II. Types of Economic Impact	Revenue (R+/-)	Expenditure (E+/-)	Magnitude
	Benefit (+) Cost (-)		
A. On issuing agency:	NONE		
B. On other State agencies:	NONE		
C. On local governments:	(E+)		\$294 per child
D. On regulated industries or trade groups:	NONE		
E. On other industries or trade groups:	NONE		
F. Direct and indirect effects on public:	NONE		

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

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

**Economic Impact on Small Businesses**

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

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to John T. McGinnis, Specialist, Pupil Personnel, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-0295, or email to jmcginnis@msde.state.md.us, or fax to 410-333-8148. Comments will be accepted through May 11, 2009. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on May 27 and 28, 2009, at 200 West Baltimore Street, Baltimore, MD 21201.

**.02 Definitions.**

- A. (text unchanged)
- B. Terms Defined.
  - (1) (text unchanged)
  - (2) "Child awaiting foster care placement" means:

(a) A child placed out of the child's home pursuant to a shelter care order or a voluntary placement agreement documented by the Department of Social Services;

(b) A child committed to the care and custody of the Department of Social Services who is placed into a temporary, short-term placement of not longer than 90 school days such as in:

- (i) An emergency or shelter facility;
- (ii) A diagnostic center;
- (iii) A psychiatric respite facility;
- (iv) An emergency foster home;
- (v) Another temporary, short-term placement.

(2) (3) (text unchanged)

(3) (4) Homeless Student

(a) (text unchanged)

(b) "Homeless student" includes:

- (i) (ii) (text unchanged)
- (iii) Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- (iv) Migratory children, as defined in §6399 of Title 20, who qualify as homeless for the purposes of the McKinney-Vento Act and this chapter because the children are living in circumstances as described in [§B(3)(b)(i) — (iii)] §B(4)(b)(i) — (ii) of this regulation; and
- (v) A child awaiting foster care placement.

(4) (5) (3) (9) (text unchanged)

NANCY S. GRASMICK  
State Superintendent of Schools

**Subtitle 08 STUDENTS**

**13A.08.05 Informal Kinship Care**

Authority: Education Article, §§2-205, 4-122.1, and 7-101, Annotated Code of Maryland

**Notice of Proposed Action**

[09-129-PL-0001]

The Maryland State Board of Education proposes to amend Regulations .02, .04, and .05 under COMAR 13A.08.05 Informal Kinship Care. This action was considered at the Maryland State Board of Education meeting on February 24, 2009.

**Statement of Purpose**

The purpose of this action is to align COMAR with the new requirements of Education Article, §7-101, Annotated Code of Maryland, which was amended to allow for school enrollment of children in informal kinship care, that is, children who are living with a relative in the same county in which the child is domiciled with the parent or legal guardian, but in a different school attendance zone within that county.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

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

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to John T. McGinnis, Specialist, Pupil Personnel, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-0295, or email to jmcginnis@msde.state.md.us, or fax to 410-333-8148. Comments will be accepted through May 11, 2009. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on May 27 and 28, 2009, at 200 West Baltimore Street, Baltimore, MD 21201.

**.02 General Provisions.**

A. A county superintendent shall allow a child who is a Maryland resident to attend a public school in a county or school attendance area other than the county or school attendance area where the child is domiciled with the child's parent or legal guardian if:

- (1) The child lives with a relative providing informal kinship care in the county or school attendance area; and
- (2) (text unchanged)

B. — H. (text unchanged)

**.04 Affidavit Requirement.**

A. (text unchanged)

B. The affidavit shall include:

- (1) — (8) (text unchanged)

(9) Notice that if fraud or misrepresentation is discovered during an audit, the county superintendent shall remove the child from the public school or county public school system roll;

- (10) — (11) (text unchanged)

**.05 Affidavit Form.**

A. The affidavit shall be in the following form:

I, the undersigned, am 18 years old or older and competent to testify to the facts and matters set forth in this statement.

\_\_\_\_\_ (name of child), whose date of birth is \_\_\_\_\_, is living with me because of the following serious family hardship: (check each that is applicable)

- \_\_\_\_\_ death of father/mother/legal guardian
- \_\_\_\_\_ serious illness of father/mother/legal guardian
- \_\_\_\_\_ drug addiction of father/mother/legal guardian
- \_\_\_\_\_ incarceration of father/mother/legal guardian
- \_\_\_\_\_ abandonment by father/mother/legal guardian
- \_\_\_\_\_ assignment of a parent or legal guardian of a child to active military duty

The name and last known address of the child's parent(s) or legal guardian is:

\_\_\_\_\_  
\_\_\_\_\_

My kinship relation to the child is \_\_\_\_\_

My address is \_\_\_\_\_

Street \_\_\_\_\_ Apt. No. \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

I assumed informal kinship care of this child for 24 hours a day and 7 days a week on \_\_\_\_\_ (day/month/year).

The name and address of the last school that the child attended is: \_\_\_\_\_

The county superintendent may verify the facts contained in the foregoing affidavit and conduct an audit on a case-by-case basis after the child has been enrolled in the county public school system. If the county superintendent discovers fraud or misrepresentation, the child shall be removed from the public school or county public school system roll. I solemnly affirm under the penalties of perjury that the contents of the foregoing statement are true to the best of my knowledge, information, and belief.

Signature of affiant \_\_\_\_\_

(Day/month/year)

Any person who willfully makes a material misrepresentation in this affidavit shall be subject to a penalty payable to the county for three times the prorated share of tuition for the time the child fraudulently attends a public school in the county.

B. (text unchanged)

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**Title 14  
INDEPENDENT AGENCIES**

**Subtitle 28 CANAL PLACE PRESERVATION  
AND DEVELOPMENT AUTHORITY**

**14.28.08 Procurement**

Authority: Financial Institutions Article, §13-1008(4),  
Annotated Code of Maryland

**Notice of Proposed Action**

(09-125-P)

The Canal Place Preservation and Development Authority proposes to amend Regulations .02, .04, and .06 under COMAR 14.28.08 Procurement.

**Statement of Purpose**

The purpose of this action is to make adjustments to the threshold amounts for certain procurement process requirements in these regulations, to reflect changes in the costs of procurement contracts since those requirements were adopted in 1995.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

I. Summary of Economic Impact. The amendments change only the dollar thresholds for steps the Authority must take to procure goods and services.