

Education Rights of Child in State-Supervised Care— Transfer of Education Records

Overview

Effective July 1, 2005, the Maryland law, *Children in State-Supervised Care – Transfer of Education Records*, required prompt enrollment, placement, provision of appropriate services, and transfer of educational records from the previous school to the new school for children in state-supervised care.

Definitions

- *Child in State-supervised Care*
A child in state care is any child or youth who is in the custody of, committed to, or otherwise placed by a placement agency. This includes foster care, group homes, or other agency placement. This does not mean a child at the Charles H. Hickey, Jr. School in Baltimore County who receives an educational program pursuant to the applicable governing code.
- *Receiving or sending school*
Public school or a non-collegiate educational institution affiliated with a residential child care program or treatment facility that has a Maryland State Department of Education approved educational program.
- *Notice*
Written, verbal, or other communication that has been effectuated regarding the identification of a child in State-supervised care.

Placement agencies

- The county Department of Social Services (DSS)
- The Department of Juvenile Services (DJS)
- The Department of Health and Mental Hygiene (DHMH)
- A private agency that engages in placement of children in home or with individuals and is licensed by the Social Service Administration (SSA) pursuant to applicable governing code.

Rights

- Education – All Maryland children have a right to an education
- Prompt enrollment in school – Children and youth in state-supervised care have the right to promptly enroll in school.
- Prompt transfer of student's school records – When children and youth in state-supervised care enroll in a new public school, they have the right to have their school records promptly transferred from the old school to the new school.

Notice and Enrollment Requirements

- Prior to or at the time of placement, the placement agency (DSS, DJS, DHMH, etc.) or other permitted parties (parent, education guardian, parent surrogate, foster parent, court-appointed attorney, or court appointed special advocate) must provide notice to the receiving school regarding the enrollment or imminent enrollment of a child in state-supervised care.
- Within 2 school days the receiving school must:
 - inform the sending school of the enrollment or imminent enrollment
 - request, in writing, the educational records
 - provide a copy of the request to the child and/or responsible adult acting on behalf of the child; and
 - inform the child and/or adult acting on behalf of the child responsible of their rights under this law
- Sending school after notice from receiving school must:
 - immediately inform the receiving school orally of the grade level (last enrolled) and whether the student has a Section 504 plan or Individual Education Plan (IEP)
 - within 3 school days send by mail, electronically, or hand carry
 - withdrawal or transfer record
 - academic records
 - discipline records
 - immunization records
 - most recent Section 504 plan or IEP and the most recent assessment (if applicable)
 - Health records that are educationally relevant
 - Birth certificate or other proof of age
 - Blood lead testing cert., if applicable.
- If sending school does not have or provide the records listed above, the placement agency may provide them to the receiving school.

Dispute Resolution Process

In the event of a dispute, give the child and responsible adult acting on behalf of the child a copy of the MCPS brochure, *Inquires and Complaints From the Public*; and MCPS Form 270-8, *Complaint from the Public*, which is to be completed by the child and/or responsible adult acting on behalf of the child (offer to assist child and/or responsible adult acting on behalf of the child with completing form, if necessary).

During the dispute the child is:

- enrolled in receiving school
- provided with appropriate educational services including implementation of an existing IEP

Rights of a birth parent of a child in State-supervised care to participate in the educational decision-making for the child are not diminished under this law.