

4-120-1-

(A)-(1)--IN THIS SECTION, THE FOLLOWING WORDS SHALL HAVE THE MEANINGS INDICATED:

(2)--"LOCAL--CURRENT--EXPENSE--PER--STUDENT"--MEANS ALL EXPENDITURES MADE BY A COUNTY FROM COUNTY APPROPRIATIONS, EXCEPT STATE, FEDERAL, AND OTHER AID, FOR PUBLIC ELEMENTARY AND SECONDARY EDUCATION IN THE PRIOR FISCAL YEAR, DIVIDED BY THE FULL-TIME EQUIVALENT ENROLLMENT, AS DEFINED IN § 5-202(A) OF THIS ARTICLE.

(3)--"CHILD--IN--AN--OUT--OF--COUNTY--LIVING--ARRANGEMENT"--MEANS A CHILD WHO IS PLACED IN A FOSTER CARE HOME OR RESIDENTIAL FACILITY IN A COUNTY OTHER THAN WHERE THE CHILD'S PARENT OR LEGAL GUARDIAN RESIDES, CHILD IN AN OUT-OF-COUNTY LIVING ARRANGEMENT DOES NOT INCLUDE A CHILD LIVING WITH A RELATIVE, STEPPARENT OR A PERSON EXERCISING TEMPORARY CARE, CUSTODY OR CONTROL OVER A CHILD AT THE REQUEST OF A PARENT OR GUARDIAN OF THE CHILD.

(4)--"SERVICE--PROVIDING--LOCAL--EDUCATION--AGENCY"--MEANS THE LOCAL EDUCATION AGENCY FOR THE COUNTY WHERE A CHILD IN AN OUT-OF-COUNTY LIVING ARRANGEMENT IS PLACED.

(5)--"FINANCIALLY--RESPONSIBLE--COUNTY"--MEANS THE COUNTY WHERE THE PARENT OR LEGAL GUARDIAN OF A CHILD IN AN OUT-OF-COUNTY LIVING ARRANGEMENT RESIDES, IF THE PARENTS OF THE CHILD LIVE APART, THE FINANCIALLY RESPONSIBLE COUNTY IS:

(i)--THE COUNTY WHERE THE PARENT WHO HAS BEEN AWARDED CUSTODY OF THE CHILD RESIDES;

(ii)--IF CUSTODY HAS NOT BEEN AWARDED, THE COUNTY WHERE THE PARENT WITH WHOM THE CHILD LIVES WHEN NOT IN A FOSTER CARE HOME OR RESIDENTIAL FACILITY RESIDES;

(iii)--IF CUSTODY HAS BEEN AWARDED TO BOTH PARENTS AND THE PARENTS RESIDE IN DIFFERENT COUNTIES, BOTH COUNTIES SHALL BE CONSIDERED FINANCIALLY RESPONSIBLE AND SHALL PAY ONE HALF THE AMOUNT AS COMPUTED IN ACCORDANCE WITH SUBSECTION (c) OF THIS SECTION, EXCEPT THAT IF THE CHILD RECEIVES A PUBLIC EDUCATION IN A COUNTY WHERE A PARENT RESIDES, THIS SUBPARAGRAPH SHALL NOT APPLY; OR

(iv)--IF CUSTODY HAS BEEN AWARDED TO BOTH PARENTS AND ONE PARENT RESIDES IN A COUNTY AND THE OTHER RESIDES OUT-OF-STATE, THE COUNTY SHALL BE CONSIDERED THE FINANCIALLY RESPONSIBLE COUNTY.

(B)--A CHILD IN AN OUT-OF-COUNTY LIVING ARRANGEMENT SHALL RECEIVE AN APPROPRIATE EDUCATION FROM THE SERVICE PROVIDING LOCAL EDUCATION AGENCY.

(C)-(1)--EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, FOR EACH CHILD IN AN OUT-OF-COUNTY LIVING ARRANGEMENT