

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

(2) THE SERVICE PROVIDING LOCAL EDUCATION AGENCY SHALL INCLUDE A CHILD ENROLLED AS THE RESULT OF AN OUT-OF-COUNTY LIVING ARRANGEMENT IN THEIR FULL-TIME EQUIVALENT ENROLLMENT AS PROVIDED BY § 5-202(A)(7) OF THIS ARTICLE.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, FOR EACH CHILD IN AN OUT-OF-COUNTY LIVING ARRANGEMENT ENROLLED IN A PUBLIC SCHOOL PROGRAM ON SEPTEMBER 30, THE FINANCIALLY RESPONSIBLE COUNTY SHALL PAY THE SERVICE PROVIDING LOCAL EDUCATION AGENCY AN AMOUNT EQUAL TO THE LESSER OF:

(I) THE LOCAL CURRENT EXPENSE PER STUDENT IN THE FINANCIALLY RESPONSIBLE COUNTY; OR

(II) THE LOCAL CURRENT EXPENSE PER STUDENT IN THE SERVICE PROVIDING LOCAL EDUCATION AGENCY.

(2) IF THE SERVICE PROVIDING LOCAL EDUCATION AGENCY DETERMINES THAT A CHILD IN AN OUT-OF-COUNTY LIVING ARRANGEMENT IS HANDICAPPED AND NEEDS A PUBLIC SCHOOL LEVEL IV OR V SPECIAL EDUCATION PROGRAM, THE FINANCIALLY RESPONSIBLE COUNTY SHALL PAY