

(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 by a State agency, a licensed child placement agency as provided by § 5-507 of the Family Law Article, ~~+~~ or ~~-~~ a court, ~~A PARENT OR LEGAL GUARDIAN, OR ANY PERSON OR ENTITY INVOLVED IN THE PLACEMENT OF CHILDREN~~ 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 ~~-~~ INCLUDES 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) (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,] DECEMBER 31, the financially responsible county shall pay the service providing local education agency an amount equal to the ~~+~~ lesser ~~-~~ GREATER of:

(i) The local current expense per student in the financially responsible county; or