

## Article - Education

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§4–121.

(a) (1) In this section the following words 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 past fiscal year, divided by full-time equivalent enrollment, as defined in § 5-202(a) of this article.

(3) “Receiving county” means a county that receives the children of an adjoining, sending county into its public schools.

(4) “Sending county” means a county that sends children who reside within its borders to a public school in an adjoining, receiving county.

(b) A school that is in one county and near the boundary of an adjoining county is free to the children of the adjoining county as provided in this section.

(c) (1) The county boards of the two counties may:

(i) Provide jointly for the maintenance and support of the jointly attended school in the receiving county; and

(ii) Determine the geographical attendance areas and other attendance policies of the two counties for all jointly attended schools in the receiving county.

(2) If the two county boards fail to agree on a geographical attendance area or attendance policy, the State Superintendent shall decide the matter.

(3) The following provisions apply in Somerset and Worcester counties:

(i) A student who resides in Somerset County and is presently attending school in Worcester County may continue to attend school in Worcester County until graduation from high school.

(ii) After all of the students described in subparagraph (i) have graduated, the exception described in this paragraph will end and all new students will attend school in Somerset County, unless otherwise authorized as provided in paragraph (1) of this subsection.

(d) (1) For each fiscal year, the sending county shall pay the receiving county, for each student who resides in the sending county and who attends a public school in the receiving county, an amount equal to the lesser of:

- (i) The local current expense per student in the sending county; or
- (ii) The local current expense per student in the receiving county.

(2) If the local current expense per student for the sending county is less than the local current expense per student for the receiving county, the difference, plus the appropriate State share of the foundation program, for each student who resides in a sending county who attends a public school in the receiving county, shall be:

- (i) Paid by the State to the receiving county; and
- (ii) Provided for in the appropriation to the State Board.

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