

Department of Legislative Services  
Maryland General Assembly  
2008 Session

FISCAL AND POLICY NOTE

House Bill 169  
Ways and Means

(Delegate Jones, *et al.*)

Education, Health, and Environmental Affairs

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Education - Children in Informal Kinship Care Relationships

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This bill allows a child to attend a public school outside of the attendance area of the child's permanent residence if the child is living in the school's attendance area with a relative who is providing informal kinship care due to a serious family hardship. The relative must verify the informal kinship care relationship through a sworn affidavit.

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Fiscal Summary

**State Effect:** None. The bill would not affect State funding for public schools.

**Local Effect:** If the bill results in a significant number of transfers within a local school system, resources may have to be reallocated among schools within the system. However, this would not materially affect school expenditures.

**Small Business Effect:** None.

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Analysis

**Current Law:** In general, a public school student must attend the appropriate level public school in the attendance area of the student's permanent residence.

A child may attend a public school outside of the local school system where the child is domiciled if the child is living in the school system where the school is located with a relative who is providing informal kinship care due to a serious family hardship. State law does not specify similar allowances for a child living with a relative in a different attendance area but within the same school system where the child is domiciled with a parent or legal guardian.

“Serious family hardship” is defined as • death of the child’s parent or legal guardian; • serious illness of the child’s parent or legal guardian; • drug addiction of the child’s parent or legal guardian; • incarceration of the child’s parent or legal guardian; • abandonment by the child’s parent or legal guardian; or • assignment to active military duty of the child’s parent or legal guardian.

**Background:** Chapter 207 of 2003 allows a student whose parent or guardian resides in another school system to attend a school in the system where the student lives with a relative who is providing informal kinship care due to a serious family hardship. The legislation also established a funding mechanism, paid by local school systems, that is triggered when a significant number of students are transferred into a school system. An average of 460 students per year have transferred from one Maryland school system to another over the last three school years under the provisions established by the 2003 legislation. This bill would simply require that the same types of transfers be granted within a school system.

**Local Fiscal Effect:** Because any student transfers resulting from the bill would take place within a single school system, the funding mechanism, which requires the transfer of funds from one school system to another, would not apply. It is assumed that local school systems would reallocate existing resources among schools if necessary to accommodate any increase in transfers.

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### Additional Information

**Prior Introductions:** None.

**Cross File:** SB 77 (Senator Kelley, *et al.*) – Education, Health, and Environmental Affairs.

**Information Source(s):** Department of Human Resources, Maryland Association of Boards of Education, Maryland State Department of Education, Department of Legislative Services

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