

HOUSE BILL 335

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2lr0383
CF 2lr2766

By: **Delegates Myers, Afzali, Barve, Boteler, Branch, Cardin, Fisher, Frick, George, Glass, Haddaway–Ricchio, Hixson, Howard, Ivey, Kaiser, Luedtke, McDonough, A. Miller, Parrott, Rosenberg, Ross, Serafini, Stukes, Summers, and Walker**

Introduced and read first time: January 30, 2012

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Public Secondary Schools Near Boundary of Two Counties**

3 FOR the purpose of allowing certain students to attend a public secondary school in an
4 adjoining county under certain circumstances; authorizing the State Board of
5 Education to adopt certain regulations; and generally relating to public
6 secondary schools near the boundary of two counties.

7 BY repealing and reenacting, with amendments,
8 Article – Education
9 Section 4–121
10 Annotated Code of Maryland
11 (2008 Replacement Volume and 2011 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article – Education**

15 4–121.

16 (a) (1) In this section the following words have the meanings indicated.

17 (2) “Local current expense per student” means all expenditures made
18 by a county from county appropriations, except State, federal, and other aid, for public
19 elementary and secondary education in the past fiscal year, divided by full–time
20 equivalent enrollment, as defined in § 5–202(a) of this article.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

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

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

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

27 (i) The local current expense per student in the sending county;
28 or

29 (ii) The local current expense per student in the receiving
30 county.

31 (2) If the local current expense per student for the sending county is
32 less than the local current expense per student for the receiving county, the difference,
33 plus the appropriate State share of the foundation program, for each student who

1 resides in a sending county who attends a public school in the receiving county, shall
2 be:

3 (i) Paid by the State to the receiving county; and

4 (ii) Provided for in the appropriation to the State Board.

5 (E) A STUDENT WHO MUST TRAVEL GREATER THAN 30 MILES TO
6 ATTEND HIS OR HER ASSIGNED PUBLIC SECONDARY SCHOOL IN THE COUNTY
7 WHERE THE STUDENT RESIDES MAY ATTEND A PUBLIC SECONDARY SCHOOL IN
8 AN ADJOINING COUNTY IF:

9 (1) THE PUBLIC SECONDARY SCHOOL IN THE ADJOINING COUNTY
10 IS CLOSER THAN THE ASSIGNED PUBLIC SECONDARY SCHOOL; AND

11 (2) THE PUBLIC SECONDARY SCHOOL IN THE ADJOINING COUNTY
12 IS AT LESS THAN 80% CAPACITY.

13 (F) THE STATE BOARD MAY ADOPT REGULATIONS TO IMPLEMENT THE
14 PROVISIONS OF THIS SECTION.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 July 1, 2012.