

Department of Legislative Services  
Maryland General Assembly  
2012 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 617  
Ways and Means

(Delegate Hough, *et al.*)

Education, Health, and Environmental Affairs

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Education - Informal Kinship Care - Enrollment Before Submission of  
Documentation

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This bill alters the conditions under which a county superintendent must allow a child who is a resident of the State to attend a public school outside the attendance area or county where the child is domiciled if the child lives with a relative providing informal kinship care. The bill repeals the requirement that an affidavit verifying informal kinship care be supported by documentation of one or more serious family hardships and, where possible, contact information of any authority who is authorized to reveal information that can verify assertions in the affidavit. Instead, a local superintendent of schools *may* require the supporting documentation and specified contact information after the student is enrolled. Also, instructions that accompany the affidavit form that is prescribed by statute are modified to indicate that the supporting documentation is necessary only when appropriate (*i.e.*, when required by the local superintendent).

The bill takes effect July 1, 2012.

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Fiscal Summary

**State Effect:** None.

**Local Effect:** Local school board revenues and expenditures are not materially affected.

**Small Business Effect:** None.

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Analysis

**Current Law:** A county school superintendent must allow a student whose parent or guardian resides in another school district or attendance area to attend the local school

system or attendance area if the student is living with a relative within the school district due to a serious family hardship. The student's relative must be providing informal kinship care to the student and the relative must verify the informal kinship care relationship through a sworn affidavit.

The affidavit, the form of which is specified by statute, must be supported by documentation of one or more serious family hardships and, where possible, contact information of any authority who is authorized to reveal information that can verify assertions in the affidavit. This supporting documentation must be consistent with local, State, and federal privacy and confidentiality policies and statutes. The relative providing informal kinship care must file an affidavit annually, prior to the school year, for each year the child continues to live with the relative.

When the student in informal kinship care resides in a different county from the student's parent, the sending county (where the child's parent or guardian resides) must pay the receiving county the lesser of the two counties' local per pupil expense. The same applies for students with disabilities who are in informal kinship care, but the per pupil expense for each county is multiplied by three before determining the amount to be paid.

This funding mechanism only applies when the total cost to the receiving county exceeds 0.1% of the local school system's operating budget.

**Local Fiscal Effect:** The bill maintains the requirement of a sworn affidavit, and therefore will not generate a significant change in the number of students recognized as living in informal kinship care. In turn, payments among counties are not substantially affected. Removing the requirement for supporting documentation may minimally reduce local school board administrative costs associated with processing informal kinship care transfers.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 178 (Senators Jacobs and Montgomery) - Education, Health, and Environmental Affairs.

**Information Source(s):** Garrett and Howard counties, Maryland State Department of Education, Department of Legislative Services

**Fiscal Note History:** First Reader - February 8, 2012  
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