

**Department of Legislative Services**

Maryland General Assembly

2012 Session

**FISCAL AND POLICY NOTE**  
**Revised**

Senate Bill 58

(Senator Kelley)

Education, Health, and Environmental Affairs

Ways and Means

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**Education - Children in Informal Kinship Care Relationships - Payments for  
Students with Disabilities - Funding**

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This bill replaces obsolete language regarding students with disabilities who are in informal kinship care with terminology that is consistent with the federal Individuals with Disabilities Education Act (IDEA).

The bill takes effect July 1, 2012.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** None. The change is procedural/technical in nature and does not affect local school expenditures.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** Reference to a child who is “disabled and needs public school Intensity IV or V Special Education Services” is replaced with reference to “a student with a disability who needs an LRE-C or LRE-F placement.”

LRE-C, or Least Restrictive Environment C, is defined as a setting in which a child is enrolled in a comprehensive school and receives special education and related services in regular education settings less than 40% of the school day. LRE-F, or Least Restrictive Environment F, is defined as a setting in which a child receives special education and related services for greater than 50% of the school day in a public separate day facility that does not include programs for students without disabilities.

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

If the receiving county (where the child will attend school) determines that a child in an informal kinship care relationship is "disabled and needs public school Intensity IV or V Special Education Services," the sending county (where the child's parent or guardian resides) must pay the receiving county three times the lesser of the two counties' local per pupil expense. The same applies for students without disabilities, absent multiplication by three.

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

The federal Individuals with Disabilities Education Act (IDEA) requires that a student with disabilities be provided a free appropriate public education in the least restrictive environment, in accordance with the Individualized Education Program (IEP) specific to the individual needs of the student.

**Local Expenditures:** The Maryland State Department of Education advises that the bill will not affect the number of students for whom payments must be made from one school system to another within the State. Therefore, local school expenditures are not affected.

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## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - January 23, 2012

ncs/mwc Revised - Senate Third Reader - March 21, 2012

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