

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 930 (Delegate Wilson)
Ways and Means

Primary and Secondary Education - Public School Attendance - Children of Judges

This bill requires a local superintendent of schools, on request, to allow a child to attend a public school in an adjacent county other than the county where the child is domiciled with the child's parent, if the child's parent is a judge of the Supreme Court of Maryland, Appellate Court of Maryland, District Court of Maryland, or circuit court. A local superintendent may not charge a fee for allowing such a child to attend a public school in the adjacent county. **The bill takes effect July 1, 2024.**

Fiscal Summary

State Effect: The bill is not expected to have a material effect on State general and special fund expenditures for public schools. Revenues are not affected.

Local Effect: Local school system revenues and expenditures and county government appropriations to local school systems are minimally affected, to the degree that the authority under the bill is exercised by judges in the State.

Small Business Effect: None.

Analysis

Current Law:

Public School Student Attendance and Transportation

Generally, a student must attend the public school in the county where the child lives with

a parent, guardian, or relative providing informal kinship care, as specified. However, a local superintendent (1) may allow a child to attend school in the county even if the child is not living in that county with the child's parent or guardian and (2) must allow a dependent child of a service member who is relocating to the State on military orders to enroll in the county, as specified. If a child fraudulently attends a public school in a county where the child does not live with a parent or guardian, the parent or guardian is subject to a penalty payable to the county for the *pro rata* share of tuition for the time the child fraudulently attended school in the county.

Local boards of education have various policies allowing for enrollment of or the transfer of a student outside of his or her attendance area, under certain circumstances. Unique hardship circumstances, childcare needs, programming purposes, and relief of school overcrowding are among the local exceptions to required pupil attendance within designated attendance areas. Under certain conditions, a county may send children who reside within its borders to a public school in an adjoining "receiving county." A public school that is near the boundary of two counties may thereby be jointly attended by students from both counties. The county school boards of the two counties may provide jointly for the maintenance and support of the jointly attended school and determine the geographical attendance areas and other attendance policies for all jointly attended schools in the receiving county. If the two counties fail to agree on a geographical attendance area, then the State Superintendent must decide the matter. The State provides funding for students in certain out-of-county living arrangements. The fiscal 2025 budget as introduced includes \$2.0 million for this purpose.

All school systems are required to *arrange* transportation to and from school for all public school students and are required to *provide* transportation to and from school for all disabled students. The State provides aid for student transportation. The funding consists of two parts: a base grant that is adjusted annually; and a per pupil grant based on the number of students with special transportation needs.

Blueprint for Maryland's Future and Education Funding Formulas

Blueprint for Maryland's Future (Blueprint) legislation, including Chapter 771 of 2019; Chapters 36 and 55 of 2021; and Chapter 33 of 2022 established new programs and updated education funding formulas, to, among other provisions, provide additional support for schools serving high concentrations of students living in poverty, including community schools and wraparound services, and increased support for students learning English and students with disabilities.

The great majority of direct State aid to public schools (excluding teachers' retirement) is determined by enrollment-based funding formulas generally found in Title 5, Subtitle 2 of the Education Article. Collectively, the formulas account for a uniform base cost per pupil

that is necessary to provide general education services to students in every school system and address the additional costs associated with educating three student populations: special education students; students eligible for free and reduced-price meals; and students who are English-language learners. Chapter 36 established additional major education aid programs.

Most State education aid formulas also include wealth equalization across counties, compensating for differences in local wealth by providing less aid per pupil to the wealthier counties and more aid per pupil to the less wealthy counties. Although on the whole, most State aid formulas are designed to have the State pay roughly one-half of program costs, the State's share for the less wealthy counties is higher than 50%, and the State's share for more wealthy counties is lower than 50%. Conversely, the local share is higher for more wealthy counties and lower for counties that are less wealthy.

Each year, the county government (including Baltimore City) is required to appropriate funds to the local board of education equivalent to the greater of the maintenance of effort (MOE) requirement or the local share amount of all wealth-equalized formulas. The per pupil MOE amount is based upon the greater of (1) the prior year full-time equivalent (FTE) enrollment and (2) the three-year moving average of FTE enrollment.

Local Fiscal Effect: The bill applies to approximately 320 judges in the State. It is not known how many of these judges have children who are of the age to attend public school or how many of that subset would seek to take advantage of the bill's provisions, but the number is assumed to be far less than 320. Statewide, public school FTE enrollment in fall 2023 was nearly 854,000, ranging from 1,620 in Kent County to 154,455 in Montgomery County. Thus, it is assumed that the effect on county appropriations to public schools and on local school system county and State revenues and related expenditures, which are all driven largely by enrollment counts, is minimal.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Baltimore City Public Schools; Montgomery County Public Schools; Judiciary (Administrative Office of the Courts); Maryland State Department of Education; Department of Legislative Services

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