

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1327
Ways and Means

(Delegate Miele, *et al.*)

Baltimore County Public Schools - Falsifying Domicile - Penalty

This bill establishes a penalty of up to \$5,000 for a parent or guardian who, based on a determination of a “residency investigator,” has knowingly falsified a child’s domicile in Baltimore County so that the child may attend a Baltimore County public school. The residency investigator must also refer the matter to the Baltimore County State’s Attorney. A fine may only be assessed once per incident, regardless of the number of individuals who knowingly falsify a child’s domicile. A “residency investigator” is an individual who determines the eligibility of a child for enrollment in the Baltimore County public school system based on the child’s domicile. **The bill takes effect July 1, 2018.**

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances or operations.

Local Effect: Potential minimal increase in Baltimore County revenues to the extent that fines are assessed under the bill. Expenditures are not materially affected.

Small Business Effect: None.

Analysis

Current Law: Generally, each child must attend a public school in the county where the child is domiciled with the parent, guardian, or relative providing informal kinship care. (Informal kinship care means a living arrangement in which a relative of a child who is not in the care, custody, or guardianship of the local department of social services provides for the care and custody of the child due to a serious family hardship.)

However, upon request (and in accordance with a county board's policies concerning residency), a county superintendent may allow a child to attend school in the county even if the child is not domiciled in that county with a parent or guardian. In addition, in specified circumstances, a county superintendent must allow a child to remain at the school the child is attending, even if the child is domiciled elsewhere.

If a child fraudulently attends a public school in a county where the child is not domiciled, the child's parent or guardian must be subject to a penalty (payable to the county) for the *pro rata* share of tuition for the time the child fraudulently attends a public school in the county.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore County; Maryland State Department of Education; Department of Legislative Services

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