

(PRE-FILED)

CF 7lr2943

By: Delegate Leopold

Requested: November 15, 1996

Introduced and read first time: January 8, 1997

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 1997

CHAPTER ____

1 AN ACT concerning

2 **Department of Education - Comprehensive Early Intervention Services for Infants and**
3 **Toddlers**

4 FOR the purpose of transferring the authority for the interagency system of
 5 comprehensive early intervention services for infants and toddlers and their families
 6 from the Maryland Infants and Toddlers Program in the Office of Children, Youth,
 7 and Families to the State Department of Education; making the Department the
 8 lead agency for supervising and monitoring the program of intervention services for
 9 infants and toddlers; requiring the Department to adopt regulations to implement
 10 this Act; providing for the transfer of the functions, powers, duties, equipment,
 11 assets, and liabilities consistent with a certain federal law, and the employees of the
 12 Maryland Infants and Toddlers Program, to the State Department of Education;
 13 providing that certain employees of the Maryland Infants and Toddlers Program
 14 shall be transferred under this Act without diminution of certain employment rights,
 15 benefits, or status; providing for the continuity of the terms of office of members of
 16 certain boards or other units, certain existing laws, regulations, permits, and
 17 contracts, certain transactions, and certain obligations of the Maryland Infants and
 18 Toddlers Program; providing for certain corrections in the Annotated Code of
 19 Maryland under certain circumstances; and generally relating to ~~an~~ the interagency
 20 system of comprehensive early intervention services for infants and toddlers.

21 BY transferring

22 Article 49D - Office for Children, Youth, and Families

23 Section 12

24 Annotated Code of Maryland

25 (1994 Replacement Volume and 1996 Supplement)

26 to be

2

1 Article - Education
2 Section ~~2-107 8-416~~
3 Annotated Code of Maryland
4 (1997 Replacement Volume)

5 BY repealing and reenacting, with amendments,
6 Article 49D - Office for Children, Youth, and Families
7 Section 1(d)
8 Annotated Code of Maryland
9 (1994 Replacement Volume and 1996 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article - Education
12 Section ~~2-107 8-416~~
13 Annotated Code of Maryland
14 (1997 Replacement Volume)
15 (As enacted by Section 1 of this Act)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That Section(s) 12 of Article 49D - Office for Children, Youth, and
18 Families of the Annotated Code of Maryland be transferred to be Section(s) ~~2-107 8-416~~
19 of Article - Education of the Annotated Code of Maryland.

20 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
21 read as follows:

22 **Article 49D - Office for Children, Youth, and Families**

23 1.

24 (d) The following units are in the Office:

25 (1) Advisory Committee for Children, Youth, and Families;

26 (2) Children's councils;

27 (3) Governor's Council on Adolescent Pregnancy;

28 (4) State Coordinating Council for Residential Placement of Handicapped
29 Children; AND

30 (5) [Infants and Toddlers Interagency Coordinating Council; and

31 (6)] Other multiple agency initiatives for children, youth, and families that
32 are not reserved by law to another agency.

33 **Article - Education**

34 ~~2-107. 8-416.~~

35 (a) The [Office for Children, Youth, and Families] DEPARTMENT shall be the
36 lead agency for supervising and monitoring a statewide, community-based interagency

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1 system of comprehensive early intervention services to eligible infants and toddlers, birth
2 through age 2, and their families.

3 (b) The interagency system shall include the early intervention services provided
4 or supervised by the State Departments of [Education,] Health and Mental Hygiene,
5 Human Resources, and Juvenile Justice, AND THE OFFICE FOR CHILDREN, YOUTH,
6 AND FAMILIES.

7 (c) The interagency system of early intervention services shall be administered in
8 accord with the applicable requirements of Federal Public Law 99-457 and other
9 applicable federal and State laws.

10 (d) An interagency coordinating council shall be appointed by the Governor, with
11 the advice and consent of the Senate, and shall:

12 (1) Advise and assist the [Office for Children, Youth, and Families]
13 DEPARTMENT in the supervision and monitoring of the interagency system of early
14 intervention services; and

15 (2) Submit an annual report to the Governor and the federal government.

16 (e) Local lead agencies shall be established or designated in each county and
17 Baltimore City to administer the interagency system of early intervention services in their
18 subdivision, under the direction of the [Office for Children, Youth, and Families]
19 DEPARTMENT.

20 (f) (1) In each county, the county executive or county commissioners, as
21 appropriate, or in Baltimore City, the Mayor shall establish a local interagency
22 coordinating council to advise and assist the local lead agency in the development and
23 implementation of policies that constitute the local early intervention system.

24 (2) (I) In each county, the county executive or county commissioners, as
25 appropriate, or in Baltimore City, the Mayor may designate the local management board
26 to serve as the local interagency coordinating council or establish the local interagency
27 coordinating council as a part of that board.

28 (II) Where a local management board and a local interagency
29 coordinating council coexist, they shall work cooperatively.

30 (g) The [Office for Children, Youth, and Families] DEPARTMENT shall adopt
31 [rules and] regulations necessary to carry out the provisions of this section.

32 SECTION 3. AND BE IT FURTHER ENACTED, That on July 1, 1997, the
33 functions, powers, duties, equipment, assets, and liabilities consistent with the
34 requirements of the federal Education of the Handicapped Act, Public Law 99-457, as
35 amended, and the employees of the Maryland Infants and Toddlers Program, which
36 administers the interagency system of comprehensive early intervention services to infants
37 and toddlers, in the Office for Children, Youth, and Families shall be transferred to the
38 State Department of Education.

39 SECTION 4. AND BE IT FURTHER ENACTED, That employees of the
40 Maryland Infants and Toddlers Program in the Office for Children, Youth, and Families
41 who are transferred to the State Department of Education subject to the implementation

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1 of this Act shall be so transferred without diminution of their rights, benefits, or
2 employment and retirement status.

3 SECTION 5. AND BE IT FURTHER ENACTED, That nothing in this Act affects
4 the term of office of a member of any board, commission, committee, or other unit in the
5 Maryland Infants and Toddlers Program in the Office for Children, Youth, and Families.
6 A person who is a member of any board, commission, committee, or other unit in the
7 Maryland Infants and Toddlers Program on the effective date of this Act shall remain a
8 member for the balance of the term to which appointed, unless the member sooner dies,
9 resigns, or is removed under provisions of law.

10 SECTION 6. AND BE IT FURTHER ENACTED, That, except as otherwise
11 provided by law, all existing laws, rules and regulations, proposed rules and regulations,
12 standards and guidelines, policies, orders and other directives, permits and licenses,
13 applications for permits and licenses, forms, plans, memberships, contracts, property,
14 investigations, administrative and judicial responsibilities associated with, and all matters
15 pending before, the Maryland Infants and Toddlers Program in the Office for Children,
16 Youth, and Families as of July 1, 1997, shall continue in effect under the State
17 Department of Education until completed, withdrawn, canceled, modified, or otherwise
18 changed pursuant to law.

19 SECTION 7. AND BE IT FURTHER ENACTED, That any transaction of the
20 Maryland Infants and Toddlers Program in the Office for Children, Youth, and Families
21 affected by or flowing from any change of nomenclature or any statute amended,
22 repealed, or transferred, and validly entered into before July 1, 1997, and every right,
23 duty, or interest flowing from the statute remains valid after July 1, 1997, and may be
24 terminated, completed, consummated, or enforced as required or permitted by any
25 statute amended, repealed, or transferred by this Act as though the repeal, amendment,
26 or transfer had not occurred. If the change in nomenclature as to the interagency system
27 of comprehensive early intervention service for infants and toddlers involves a change in
28 name or designation of any State agency, the successor agency shall be considered in all
29 respects as having the powers and obligations granted the former agency.

30 SECTION 8. AND BE IT FURTHER ENACTED, That, to the extent that all
31 contracts, agreements, grants, or other obligations entered into by the Maryland Infants
32 and Toddlers Program in the Office for Children, Youth and Families before July 1, 1997,
33 are valid, legal, and binding, but which under the terms of such obligations are to
34 continue in effect after July 1, 1997, those obligations are hereby declared valid, legal, and
35 binding obligations of the State Department of Education, enforceable in accordance
36 with their terms, and the laws of this State.

37 SECTION 9. AND BE IT FURTHER ENACTED, That:

38 (a) Pursuant to the transfer of the Maryland Infants and Toddlers Program in the
39 Office for Children, Youth, and Families to the State Department of Education that is
40 proposed by this Act, the publishers of the Annotated Code of Maryland, subject to the
41 approval of the Maryland Department of Legislative Reference, shall propose the
42 correction of any agency names and titles throughout the Annotated Code that are
43 rendered incorrect by this Act.

1 **(b) To the extent necessitated by this Act, the Department of Legislative**
2 **Reference, in conjunction with the publishers of the Annotated Code, shall revise the**
3 **Annotated Code of Maryland in order to conform the Code to the transfer of the**
4 **Maryland Infants and Toddlers Program in the Office for Children, Youth, and Families**
5 **to the State Department of Education as required under this Act, and this statutory**
6 **revision shall be ratified by the passage of the Annual Corrective Bill of 1998.**

7 SECTION ~~3-~~ 10. AND BE IT FURTHER ENACTED, That this Act shall take
8 effect July 1, 1997.