

SENATE BILL 419

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2002 Regular Session
(2lr1715)

ENROLLED BILL

-- Education, Health, and Environmental Affairs and Budget and Taxation/Ways and Means
and Appropriations --

Introduced by **Senators Hollinger, Bromwell, and Neall**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER 312

1 AN ACT concerning

2 **Maryland Infants and Toddlers Act of 2002**

3 FOR the purpose of renaming a certain statewide interagency system of
4 comprehensive early intervention services for certain infants and toddlers to be
5 the Maryland Infants and Toddlers Program; providing for the purpose of the
6 Program; requiring the Maryland State Department of Education to distribute
7 funds to counties for the Program according to a certain formula; requiring the
8 State to provide a certain percentage of the funds for the Program ~~subject to a~~
9 ~~certain condition in certain years, subject to a certain condition; requiring the~~
10 ~~State Department of Education to submit a certain report on the Program by a~~
11 ~~certain date; requiring the Governor to include a certain amount in certain State~~
12 ~~budgets for the Program;~~ and generally relating to the Maryland Infants and
13 Toddlers Program.

14 BY repealing and reenacting, with amendments,
15 Article - Education

1 Section 8-416
2 Annotated Code of Maryland
3 (2001 Replacement Volume)

4 Preamble

5 WHEREAS, Brain research confirms that the most rapid brain development
6 occurs in the first three years of life; and

7 WHEREAS, The General Assembly has recognized the immediate need for
8 effective strategies to prepare all children to enter school ready to learn; and

9 WHEREAS, The National Academy of Sciences concludes that the course of
10 development for young children can be altered by effective early interventions; and

11 WHEREAS, A key component of effective early intervention is the Program of
12 Hearing-Impaired Infants; and

13 WHEREAS, The Maryland Infants and Toddlers Program provides effective,
14 integrated services to young children from birth through age three who demonstrate
15 a 25% delay in development, have a diagnosed condition with a high probability of
16 delay, or demonstrate atypical development or behavior; and

17 WHEREAS, Early intervention services are provided in a child's natural
18 environment, such as home, child care settings, and community learning centers; and

19 WHEREAS, Early intervention services and strategies are modeled for parents
20 and caregivers so that development may continue in the child's daily living routines;
21 and

22 WHEREAS, An Individualized Family Service Plan is implemented to assist
23 with the needs of the family, as well as the young child receiving services; and

24 WHEREAS, The number of children and families receiving services from the
25 Maryland Infants and Toddlers Program has increased 30% since 1995, with the State
26 appropriation remaining at \$400,000 since fiscal year 1997; and

27 WHEREAS, The current level of available federal, State, and local funds is
28 insufficient to provide early intervention services to the steadily increasing number of
29 infants and toddlers with disabilities and their families in compliance with Part C of
30 the Individuals with Disabilities Education Act and COMAR 13A.13.01; and

31 WHEREAS, 24% of the young children receiving early intervention through the
32 Maryland Infants and Toddlers Program in 2000 required no special education
33 services at age three; now, therefore,

34 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
35 MARYLAND, That the Laws of Maryland read as follows:

1

Article - Education

2 8-416.

3 [(a) The Department shall be the lead agency for supervising and monitoring a
4 statewide, community-based interagency system of comprehensive early intervention
5 services to eligible infants and toddlers, birth through age 2, and their families.]

6 (A) (1) THERE IS A MARYLAND INFANTS AND TODDLERS PROGRAM IN THE
7 DEPARTMENT.

8 (2) THE PURPOSE OF THE PROGRAM IS TO PROVIDE A STATEWIDE,
9 COMMUNITY-BASED INTERAGENCY SYSTEM OF COMPREHENSIVE EARLY
10 INTERVENTION SERVICES TO ELIGIBLE INFANTS AND TODDLERS, BIRTH THROUGH
11 AGE 2, AND THEIR FAMILIES.

12 (B) THE DEPARTMENT SHALL BE THE LEAD AGENCY FOR SUPERVISING AND
13 MONITORING THE PROGRAM.

14 [(b) (C) The [interagency system] PROGRAM shall include the early
15 intervention services provided or supervised by THE DEPARTMENT AND the State
16 Departments of Health and Mental Hygiene INCLUDING THE PROGRAM FOR
17 HEARING-IMPAIRED INFANTS ESTABLISHED UNDER TITLE 13, SUBTITLE 6 OF THE
18 HEALTH - GENERAL ARTICLE[, Human Resources, and Juvenile Justice,] AND
19 HUMAN RESOURCES, and the Office for Children, Youth, and Families.

20 [(c) (D) The [interagency system of early intervention services] PROGRAM
21 shall be administered in accord with the applicable requirements of [Federal Public
22 Law 99-457] PART C OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT and
23 other applicable federal and State laws.

24 [(d) (E) An interagency coordinating council shall be appointed by the
25 Governor, with the advice and consent of the Senate, and shall:

26 (1) Advise and assist the Department in the supervision and monitoring
27 of the [interagency system of early intervention services] PROGRAM; and

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

30 [(e) (F) Local lead agencies shall be established or designated in each county
31 and Baltimore City to administer the [interagency system of early intervention
32 services] PROGRAM in their subdivision, under the direction of the Department.

33 [(f) (G) (1) In each county, the county executive or county commissioners,
34 as appropriate, or in Baltimore City, the Mayor shall establish a local interagency
35 coordinating council to advise and assist the local lead agency in the development and
36 implementation of policies that constitute the local [early intervention system]
37 PROGRAM.

1 (2) (i) In each county, the county executive or county commissioners,
 2 as appropriate, or in Baltimore City, the Mayor may designate the local management
 3 board to serve as the local interagency coordinating council or establish the local
 4 interagency coordinating council as a part of that board.

5 (ii) Where a local management board and a local interagency
 6 coordinating council coexist, they shall work cooperatively.

7 (H) (1) FOR FISCAL YEAR 2004, THE ANNUAL PER CHILD COST OF THE
 8 PROGRAM IS \$4,044.

9 (2) FOR FISCAL YEAR 2005 AND EACH SUCCEEDING FISCAL YEAR, THE
 10 ANNUAL PER CHILD COST OF THE PROGRAM SHALL BE THE AMOUNT IN ~~SUBSECTION~~
 11 ~~(G)(4) PARAGRAPH (1) OF THIS SUBSECTION~~ INCREASED BY THE SAME PERCENTAGE
 12 AS THE INCREASE IN THE IMPLICIT PRICE DEFLATOR FOR STATE AND LOCAL
 13 GOVERNMENT EXPENDITURES, AS OF JULY OF THE SECOND FISCAL YEAR
 14 PRECEDING THE YEAR FOR WHICH THE AMOUNT IS BEING CALCULATED.

15 (3) ~~SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, FOR FISCAL YEAR~~
 16 ~~2004 AND EACH SUCCEEDING FISCAL YEAR, THE DEPARTMENT SHALL DISTRIBUTE A~~
 17 ~~GRANT TO THE LOCAL LEAD AGENCY FOR THE PROGRAM IN EACH COUNTY IN AN~~
 18 ~~AMOUNT AT LEAST EQUAL TO 20% OF THE PRODUCT OF:~~

19 (A) ~~THE ANNUAL PER CHILD COST; AND~~

20 (B) ~~THE NUMBER OF CHILDREN IN THE COUNTY WHO RECEIVED~~
 21 ~~SERVICES UNDER THE PROGRAM IN THE SECOND FISCAL YEAR PRECEDING THE~~
 22 ~~YEAR FOR WHICH THE AMOUNT IS BEING CALCULATED.~~

23 (4) ~~(1) THE FUNDING FORMULA PROVIDED IN PARAGRAPH (3) OF THIS~~
 24 ~~SUBSECTION SHALL BE IMPLEMENTED ONLY TO THE EXTENT THAT FUNDS ARE~~
 25 ~~PROVIDED IN THE STATE BUDGET FOR THE GRANTS UNDER PARAGRAPH (3) OF THIS~~
 26 ~~SUBSECTION.~~

27 (H) ~~PARAGRAPH (3) OF THIS SUBSECTION DOES NOT REQUIRE~~
 28 ~~FUNDS FOR THE GRANTS UNDER PARAGRAPH (3) OF THIS SUBSECTION TO BE~~
 29 ~~INCLUDED IN THE STATE BUDGET.~~

30 (3) SUBJECT TO THE AVAILABILITY OF FUNDING FOR THE PROGRAM IN
 31 THE STATE BUDGET, THE DEPARTMENT SHALL DISTRIBUTE A GRANT TO THE LOCAL
 32 LEAD AGENCY FOR THE PROGRAM IN EACH COUNTY IN AN AMOUNT EQUAL TO THE
 33 PRODUCT OF:

34 (I) THE ANNUAL PER CHILD COST MULTIPLIED BY THE NUMBER
 35 OF CHILDREN IN THE COUNTY WHO RECEIVED SERVICES UNDER THE PROGRAM IN
 36 THE SECOND FISCAL YEAR PRECEDING THE YEAR FOR WHICH THE AMOUNT IS
 37 BEING CALCULATED; AND

38 (II) 1. .05 FOR FISCAL YEAR 2004;

