
By: Delegate Heller

Introduced and read first time: February 15, 1996

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 1996

CHAPTER ____

1 AN ACT concerning

2 **Education - Students with Disabilities - Reimbursement and Payment Limitations**

3 FOR the purpose of ~~prohibiting the reimbursement or payment to a parent, guardian, or~~
4 ~~competent student of a certain age for expenses, tuition, attorney's fees, costs, or~~
5 ~~services that were incurred more than a specified period prior to the filing of a~~
6 ~~certain hearing request~~ clarifying the reimbursement or payment to a parent or
7 guardian for the placement of a student in a nonpublic school.

8 BY adding to

9 Article - Education

10 Section 8-415(h)

11 Annotated Code of Maryland

12 (1992 Replacement Volume and 1995 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Education**

16 8-415.

17 ~~(H) A PARENT, GUARDIAN, OR COMPETENT STUDENT AT LEAST 18 YEARS~~
18 ~~OLD MAY NOT BE ENTITLED TO REIMBURSEMENT OR PAYMENT ON THEIR BEHALF~~
19 ~~FOR ANY EXPENSES, TUITION, ATTORNEY'S FEES, COSTS, OR SERVICES THAT WERE~~
20 ~~INCURRED MORE THAN 90 DAYS PRIOR TO THE FILING OF A DUE PROCESS HEARING~~
21 ~~REQUEST UNDER THIS SECTION.~~

22 (H) IF THE PARENT OR GUARDIAN OF A STUDENT WITH DISABILITIES,
23 ELIGIBLE TO RECEIVE SPECIAL EDUCATION AND RELATED SERVICES FROM A
24 COUNTY BOARD, ENROLLS THE CHILD IN A NONPUBLIC SCHOOL, THE COUNTY

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1 BOARD IS NOT REQUIRED TO REIMBURSE THE PARENT OR GUARDIAN FOR TUITION
2 OR RELATED COSTS ASSOCIATED WITH THE ENROLLMENT IF:

3 (1) THE PARENT OR GUARDIAN DOES NOT PROVIDE TO THE COUNTY
4 BOARD PRIOR WRITTEN NOTICE REJECTING THE PROGRAM PROPOSED BY THE
5 COUNTY BOARD, INCLUDING THE REASON FOR THE REJECTION, AND STATING AN
6 INTENTION TO ENROLL THE STUDENT IN A NONPUBLIC SCHOOL;

7 (2) THE NONPUBLIC SCHOOL PLACEMENT OF THE STUDENT IS FOUND
8 INAPPROPRIATE; OR

9 (3) THE PROPOSED COUNTY BOARD PROGRAM IS FOUND
10 APPROPRIATE.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 1996.