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(PRE-FILED)

**By: Chairman, Economic and Environmental Affairs Committee (Departmental - Education)**

Requested: October 23, 1995

Introduced and read first time: January 10, 1996

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: February 6, 1996

CHAPTER \_\_\_\_

1 AN ACT concerning

2 **County Board Plans for Special Education**

3 FOR the purpose of repealing certain provisions requiring counties and local school  
4 systems to develop plans for the provision of certain services to children with  
5 disabilities; and generally relating to special education.

6 BY repealing

7 Article - Education

8 Section 8-404, 8-405, 8-406, 8-407, and 8-408

9 Annotated Code of Maryland

10 (1992 Replacement Volume and 1995 Supplement)

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

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

13 **Article - Education**

14 [8-404.

15 (a) After the State Board adopts standards under § 8-403 of this subtitle, each  
16 county board promptly shall develop a plan to provide special educational services in  
17 accordance with these standards.

18 (b) (1) Each plan shall provide for the education of all handicapped children,  
19 including:

20 (i) Those who are severely handicapped, whose parents or guardians  
21 are domiciled in the county; and

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1 (ii) Those school-aged children who are in day-care centers, or  
2 educational institutions previously classified as day-care centers, which were previously  
3 funded by the Mental Retardation Administration and for whom an exception was  
4 granted for fiscal years 1978-1979 and 1979-1980 whose parents or guardians are  
5 domiciled in the county.

6 (2) On the request of the child's parents or legal guardian, the county board  
7 and the State Superintendent shall allow any handicapped child described in  
8 subparagraph (1)(ii) of this subsection to remain in the day-care center for the duration  
9 of the child's publicly funded special education services.

10 (c) Before adopting a local plan, the county board shall consult with public and  
11 private agencies and persons who are concerned with and knowledgeable about the  
12 problems of children who need special educational services.

13 (d) A county board may adopt a plan that exceeds State standards.

14 (e) The Department shall provide reasonable assistance to each county board in  
15 the development of its plan.

16 (f) Each county plan shall provide for full implementation of programs within 6  
17 years on an annual phase-in basis.

18 (g) Each county board shall submit its plan to the State Superintendent within 9  
19 months after adoption of the standards by the State Board and implementation shall  
20 begin with the school year after the plan is submitted.]

21 [8-405.

22 (a) The State Superintendent shall review each county plan and, if he finds that it  
23 meets the standards adopted by the State Board and the requirements of this subtitle, he  
24 shall recommend that the plan be approved by the State Board.

25 (b) If the State Superintendent finds that the plan does not meet the standards of  
26 the State Board or the requirements of this subtitle, he shall return it to the county board  
27 with his written statement of why the plan does not meet these standards and  
28 requirements.

29 (c) The State Superintendent shall act on the plan within 60 days after he receives  
30 it.

31 (d) (1) If, after 60 days from the return of the disapproved plan by the State  
32 Superintendent, the county board does not submit a plan that in the judgment of the  
33 State Superintendent meets the standards of the State Board and the requirements of this  
34 subtitle, the State Superintendent shall develop a plan for the county.

35 (2) Before the State Board approves this plan, the county shall be given an  
36 opportunity to review the plan with the State Board.]

37 [8-406.

38 (a) After the standards required in § 8-403 of this subtitle are adopted, the State  
39 Superintendent shall develop a plan to provide special educational services for children  
40 under the age of 21 who are in State institutions.

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1 (b) The plan shall meet these State standards.

2 (c) The State Board shall review and approve or disapprove, as appropriate, the  
3 plan.]

4 [8-407.

5 Each county board shall implement the plan adopted for special educational  
6 services for its county as approved by the State Board or developed by the State  
7 Superintendent.]

8 [8-408.

9 (a) The State Board shall review the approved plans for special educational  
10 services at least once each year.

11 (b) On the recommendation of the State Superintendent and with the approval of  
12 the State Board, a county board may amend an approved plan.]

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 July 1, 1996.