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1998 Regular Session 8lr6168

By: Chairman, Ways and Means Committee (Departmental - Education)

Introduced and read first time: February 13, 1998

Assigned to: Ways and Means

### A BILL ENTITLED

### 1 AN ACT concerning

## 2 Education of Children with Disabilities

- 3 FOR the purpose of altering certain provisions of law relating to the education of
- 4 children with disabilities to be in conformance with certain provisions of federal
- 5 law; ensuring that the identification, evaluation, development of an
- 6 individualized education program, placement, and discipline of a child with a
- 7 disability is conducted in conformance with the 1997 Amendments to the
- 8 Individuals with Disabilities Education Act; repealing certain obsolete
- 9 provisions; defining certain terms related to the education of children with
- disabilities consistent with federal law; revising certain terminology consistent
- with federal law; making certain technical alterations; and generally relating to
- the education of children with disabilities.
- 13 BY repealing and reenacting, with amendments,
- 14 Article Education
- 15 Section 7-305, 8-307, 8-312, 8-401, 8-402, 8-403, 8-404, 8-405, 8-406, 8-407,
- 16 8-410, 8-411, and 8-412
- 17 Annotated Code of Maryland
- 18 (1997 Replacement Volume and 1997 Supplement)
- 19 BY repealing
- 20 Article Education
- 21 Section 8-408, 8-409, and 8-414
- 22 Annotated Code of Maryland
- 23 (1997 Replacement Volume and 1997 Supplement)
- 24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 25 MARYLAND, That the Laws of Maryland read as follows:

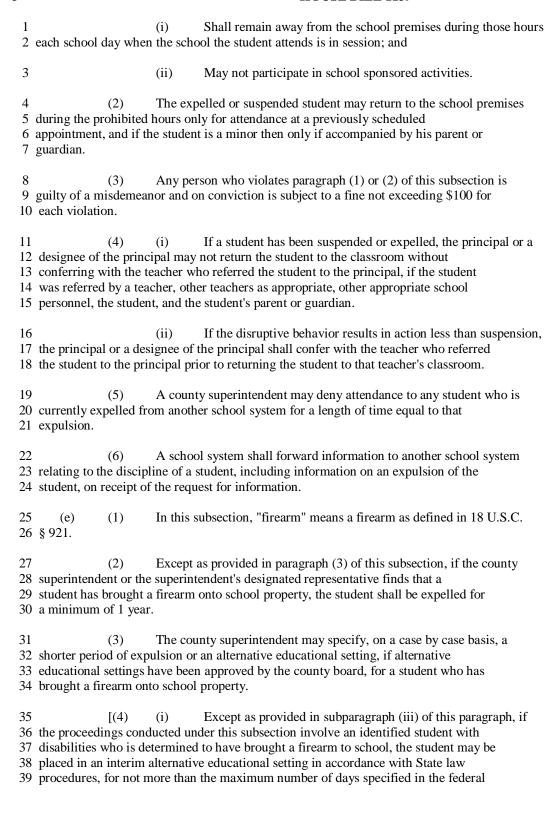
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(d)

(1)

1	Article - Education				
2	7-305.				
	(a) (1) In accordance with the rules and regulations of the county board, each principal of a public school may suspend for cause, for not more than 10 school days, any student in the school who is under the direction of the principal.				
	(2) The student or his parent or guardian promptly shall be given a conference with the principal and any other appropriate personnel during the suspension period.				
9 10	9 (b) At the request of a principal, a county superintendent may suspend a 0 student for more than 10 school days or expel him.				
	(c) (1) If a principal finds that a suspension of more than 10 school days or expulsion is warranted, he immediately shall report the matter in writing to the county superintendent.				
14 15	(2) The county superintendent or his designated representative promptly shall make a thorough investigation of the matter.				
	(3) If after the investigation the county superintendent finds that a longer suspension or expulsion is warranted, he or his designated representative promptly shall arrange a conference with the student and his parent or guardian.				
	19 (4) If after the conference the county superintendent or his designated 20 representative finds that a suspension of more than 10 school days or expulsion is 21 warranted, the student or his parent or guardian may:				
22 23	(i) Appeal to the county board within 10 days after the determination;				
	(ii) Be heard before the county board, its designated committee, or a hearing examiner, in accordance with the procedures established under $\S$ 6-203 of this article; and				
27	(iii) Bring counsel and witnesses to the hearing.				
	(5) Unless a public hearing is requested by the parent or guardian of the student, a hearing shall be held out of the presence of all individuals except those whose presence is considered necessary or desirable by the board.				
31 32	(6) The appeal to the county board does not stay the decision of the county superintendent.				
33	(7) The decision of the county board is final.				

Any student expelled or suspended from school:



	Individuals with Disabilities Education Act, 20 U.S.C. 1415(e) or the Improving America's Schools Act.					
3	(ii) The interim alternative educational setting shall be decided by the Admission, Review, and Dismissal Committee.					
7 8	(iii) If a parent or guardian of an identified student with disabilities requests a due process hearing, the student shall remain in the alternative educational setting described above during the pendency of any proceedings conducted under this subsection, unless the parents and the local school system agree otherwise.					
12	(iv) This subsection does not supersede the provisions of § 14601 of the federal Elementary and Secondary Education Act if the conduct of the identified student with disabilities is unrelated to the student's disability, except that, in those circumstances, the procedures under State and federal law shall be followed.]					
14 15	[(5)] (4) The State Board shall adopt regulations to implement this subsection.					
	[(f) (1) For any other nonfirearm disciplinary action a student with a disability may not be removed from the student's current educational placement for more than 10 school days each school year unless:					
21	(i) The Admission, Review, and Dismissal Committee has determined that the conduct which prompted the disciplinary action was not a manifestation of the student's disability and the student's parents have not appealed the determination;					
25 26 27	3 (ii) The Admission, Review, and Dismissal Committee has 4 determined in accordance with regulations adopted by the State Board of Education 5 that the cumulative effect of 2 or more suspensions totaling more than 10 school days 6 each school year does not create a pattern of exclusion that significantly impacts upon 7 the student's educational program and the student's parents have not appealed the 8 determination;					
29 30	(iii) The student's parents have agreed to an alternative or interim educational placement; or					
31 32	(iv) 1. The maintenance of the student's current educational placement is substantially likely to result in injury to the student or to others;					
33 34	2. The student's parents have not agreed to an alternative or interim educational placement; and					
35 36	3. A court of competent jurisdiction has temporarily enjoined the student from remaining in the student's current educational placement.					
37 38	(2) In injunctive proceedings under paragraph (1)(iv)3 of this subsection, there is a presumption in favor of maintaining the student's current educational					

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- **HOUSE BILL 1139** 1 placement. The county superintendent or the superintendent's designated 2 representative may overcome this presumption by showing that maintaining the 3 student's current educational placement is substantially likely to result in injury 4 either to the student or to others. 5 (3) Whenever a student has been enjoined from attending the student's 6 current educational placement under paragraph (1)(iv)3 of this subsection, the county superintendent shall ensure that the student continues to receive appropriate 8 educational and related services to the extent practicable.] 9 THE DISCIPLINE OF A CHILD WITH A DISABILITY, INCLUDING THE 10 SUSPENSION, EXPULSION, OR INTERIM ALTERNATIVE PLACEMENT OF THE CHILD 11 FOR DISCIPLINARY REASONS, SHALL BE CONDUCTED IN CONFORMANCE WITH THE 12 REQUIREMENTS OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT OF THE 13 UNITED STATES CODE. 14 (1) This subsection does not apply if the student is referred to the (g) 15 Department of Juvenile Justice. 16 (2) If a student violates a State or local law or regulation and during or 17 as a result of the commission of that violation damaged, destroyed, or substantially 18 decreased the value of school property or property of another that was on school property at the time of the violation, as part of a conference on the matter with the 20 student, the student's parent or guardian and any other appropriate person, the 21 principal shall require the student or the student's parent to make restitution. 22 The restitution may be in the form of monetary restitution not to 23 exceed the lesser of the fair market value of the property or \$2,500, or the student's 24 assignment to a school work project, or both. 25 8-307. 26 If the Maryland School for the Blind refuses to admit a child or dismisses 27 a child, a parent or guardian of the child may make a written request to the [State 28 Board OFFICE OF ADMINISTRATIVE HEARINGS that a review be conducted to determine if the decision was appropriate. 30 After it receives a request for review, the State Board shall establish 31 a hearing board of at least three qualified individuals who are knowledgeable in the 32 fields that are significant to the educational review of the child.] A REVIEW SHALL BE 33 CONDUCTED PURSUANT TO THE PROVISIONS OF § 8-413 OF THIS TITLE. 34 [(2)]An individual may not be a member of the hearing board if he: 35 (i) Is an employee of the Maryland School for the Blind; or
- 37 (3) A member of the hearing board is entitled to a reasonable fee and 38 expenses as established by the State Board.

(ii)

Has an interest that conflicts with his objectivity in the hearing.

	(c) In accordance with the bylaws of the State Board and applicable federal law or regulation and after a review of the education records of the child, the hearing board may dismiss any request for review.					
4	(d)	The hea	The hearing board:			
5 6	State Board	(1) that are c	(1) Shall conduct the review in accordance with bylaws adopted by the nat are consistent with this section and any applicable federal law;			
			(2) May require a complete and independent diagnosis, evaluation, and of educational programs for the child to be conducted by qualified cost of which shall be paid by the State Board;			
10		(3)	May hea	ar any testimony that it considers relevant;		
11 12	State Board	(4) and appl		ake its decision within the time required by the bylaws of the deral law or regulations; and		
13 14	subtitle, sha	(5) ll affirm,		to the standards adopted and approved under § 8-306 of this or reject the decision under review.		
15 16	` '	(1) ne child tl		ryland School for the Blind shall provide the educational earing board requires.		
17 18	7 (2) The State Board shall require the Maryland School for the Blind to 8 carry out the decision of the hearing board.					
19 20	(f) review, on p	(1) petition:	The circ	ruit court for the county in which the child resides shall		
21			(i)	The decision of the hearing board; or		
	(ii) The decision of the Maryland School for the Blind if a hearing board decision is not made within the time required by the bylaws of the State Board and applicable federal law or regulations.					
25 26	circuit court	(2) shall be		beal or review under this section that is brought before a as soon as practicable.]		
27	8-401.					
28	(a)	(1)	In this s	ubtitle[,] the following words have the meanings indicated.		
31 32 33	arising from and whose a whereby the	cognitive solution to services	nt as hav e, emotic meet gen available	capped child" means a child who has been determined through ing temporary or long-term special educational needs onal, or physical factors, or any combination of these, eral educational objectives is impaired to a degree in the general education program are inadequate in ducational potential.]		

1	[(2)	"Special	educational services" means the educational services
2	necessary to assure the	at all han	dicapped children are given the opportunity to reach
3	appropriate levels of k	nowledg	e and learning skills consistent with their potential
4	and includes the full r	ange of the	hese services, including special equipment, therapeutic
			on, and transportation, whether provided as part of or
			n placement or in separate public or private classes or
	facilities.]		
,			
		OUGH A	O WITH A DISABILITY" MEANS A CHILD WHO HAS BEEN APPROPRIATE ASSESSMENT AS HAVING AUTISM, HEARING
			G DEAFNESS, EMOTIONAL DISTURBANCE, MULTIPLE DIC IMPAIRMENT, OTHER HEALTH IMPAIRMENT, SPECIFIC
			PEECH OR LANGUAGE IMPAIRMENT, TRAUMATIC BRAIN
			MENT, INCLUDING BLINDNESS, AND WHO BECAUSE OF THAT
			CIAL EDUCATION SERVICES.
15 16	(3) EDUCATION AND		APPROPRIATE PUBLIC EDUCATION" MEANS SPECIAL ED SERVICES THAT:
17		(I)	ARE PROVIDED AT PUBLIC EXPENSE, UNDER PUBLIC
	CLIDED VICION AND		TION, AT NO COST TO THE PARENTS;
10	SUPERVISION AINE	DIKEC	TION, AT NO COST TO THE PARENTS,
19 20	AND THE INDIVID	(II) UALS W	MEET THE STANDARDS OF THE STATE BOARD REGULATIONS VITH DISABILITIES EDUCATION ACT (20 U.S.C. 1400 ET SEQ.
21	1997);		
22		(III)	INCLUDES PRESCHOOL, ELEMENTARY, AND SECONDARY
23	EDUCATION; AND		
24		(IV)	ARE PROVIDED IN CONFORMANCE WITH THE REQUIREMENTS
25	OF THE CHILD'S IN	√DIVIDU	JALIZED EDUCATION PROGRAM.
26	(4)	"SPECL	AL EDUCATION SERVICES" MEANS SPECIALLY DESIGNED
27	INSTRUCTION, TO	<b>ADDRE</b>	SS THE UNIQUE NEEDS OF THE CHILD WITH A DISABILITY
28	THAT RESULT FRO	OM THE	CHILD'S DISABILITY AND TO ENSURE ACCESS IN THE
29	GENERAL CURRIC	ULUM S	SO THAT HE CAN MEET THE EDUCATIONAL STANDARDS
30	WITHIN THE JURIS	SDICTIO	N OF THE LOCAL SCHOOL SYSTEM THAT:
31		(I)	APPLY TO ALL CHILDREN;
		,	
32		(II)	INCLUDES INSTRUCTION IN PHYSICAL EDUCATION;
33		(III)	INCLUDES VOCATIONAL EDUCATION, IF IT CONSISTS OF
34	SPECIALLY DESIG	NED IN	STRUCTION; AND
35		(IV)	INCLUDES RELATED SERVICE, IF THE SERVICE IS NECESSARY
36	FOR THE CHILD W	ITH A D	DISABILITY TO BENEFIT FROM SPECIAL EDUCATION.

- **HOUSE BILL 1139** 1 In this subtitle[,] the domicile of a [school-age] child WITH A DISABILITY (b) 2 is the county in which the parent or guardian who has legal custody of the child is 4 8-402. 5 A [handicapped student] CHILD WITH A DISABILITY who has been 6 placed with an employer in an unpaid work assignment as part of an individualized education [plan] PROGRAM is a covered employee, as defined in Title 9 of the Labor 8 and Employment Article, of the employer for the purposes of workers' compensation. 9 A resident in a facility as defined under § 10-101(e) of the Health -10 General Article is not a covered employee, as defined in Title 9 of the Labor and 11 Employment Article, of the employer for the purposes of workers' compensation. 12 Compensation for injury or death to a [handicapped student] CHILD WITH 13 A DISABILITY under this section shall be based on the federal minimum wage in effect 14 at the time of the [student's] CHILD'S injury. 15 A [county board of education] LOCAL SCHOOL SYSTEM that places a 16 [handicapped student] CHILD WITH A DISABILITY with an employer in an unpaid 17 work assignment pursuant to the [student's] CHILD'S individualized education 18 [plan] PROGRAM may secure workers' compensation coverage for that [student] 19 CHILD. 20 8-403. 21 The State and each [county] LOCAL SCHOOL SYSTEM shall: (a) 22 (1) Make A free [educational programs] APPROPRIATE PUBLIC 23 EDUCATION available to each [handicapped] child WITH A DISABILITY, [including a 24 child who is severely handicapped,] as provided by this subtitle; and 25 Notify the parents or guardians of each [handicapped] child WITH A (2) 26 DISABILITY of the availability of extended year programs if the child is currently enrolled in an educational program. Appropriate special [educational] EDUCATION services are [to begin as 28 29 soon as a child can benefit from them] AVAILABLE TO A CHILD WITH A DISABILITY 30 FROM BIRTH THROUGH AGE 20[, whether or not he is of regular school age].
- 31 8-404.
- 32 (a) The State Board shall adopt, as [bylaws] REGULATIONS, standards for the
- 33 identification, [diagnosis, examination, and education] EVALUATION, EDUCATIONAL
- 34 PLACEMENT, AND THE PROVISION OF A FREE APPROPRIATE PUBLIC EDUCATION of
- 35 each child in this State who is under the age of 21 and is found to need special
- 36 [educational] EDUCATION AND RELATED services, whether or not the child is
- 37 receiving nonduplicative services from another governmental agency.

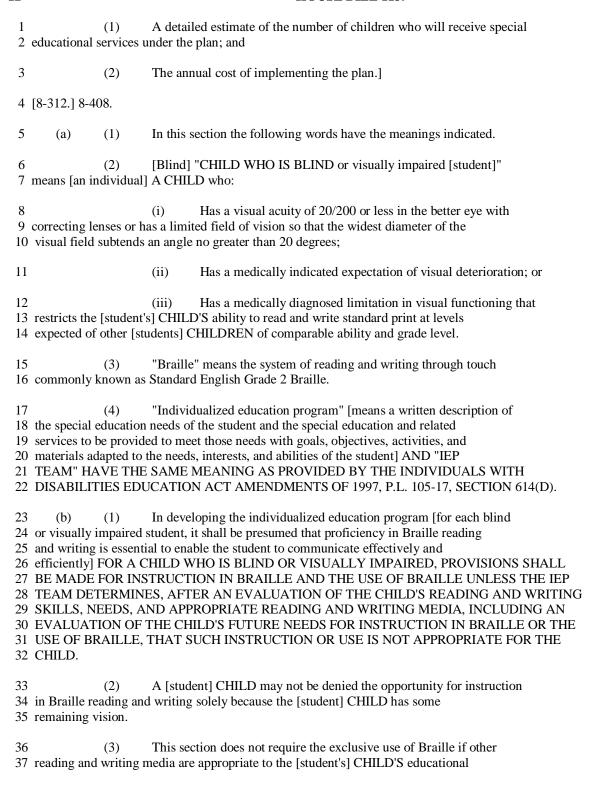
- 1 (b) Before these standards are adopted, the State Board shall consult with
- 2 public and private agencies and persons who are concerned with and knowledgeable
- 3 about the [problems of children] EDUCATIONAL NEEDS OF CHILDREN WITH
- 4 DISABILITIES who [need] REQUIRE special [educational] EDUCATION services.
- 5 (c) The standards for the education of [handicapped children] A CHILD WITH
- 6 A DISABILITY who [are] IS enrolled in [programs] A SCHOOL that [are] IS operated
- $7\,$  by an agency other than a [county board] LOCAL SCHOOL SYSTEM may not be lower
- $8\,$  than the standards for the education of [children] A CHILD WITH A DISABILITY who
- 9 [are] IS enrolled in [programs] A SCHOOL that [are] IS operated by a [county
- 10 board] LOCAL SCHOOL SYSTEM. The standards for the approval of [programs]
- 11 SCHOOLS located in jurisdictions outside Maryland shall be the same as standards
- 12 applicable to the approval of [programs] SCHOOLS within Maryland. However, no
- 13 [program] SCHOOL located in a jurisdiction outside Maryland shall be approved if
- 14 the charges for pupils approved by the Department are higher than charges for pupils
- 15 from any other state for the same services, unless waived by the State
- 16 Superintendent.
- 17 (d) The standards shall include:
- 18 (1) The required qualifications for teachers, administrators, and other
- 19 [professional, paraprofessional, and nonprofessional personnel] PROFESSIONALS
- 20 SERVING A CHILD WITH A DISABILITY;
- 21 (2) Procedures for [identifying, testing, and diagnosing] THE
- 22 IDENTIFICATION, EVALUATION, EDUCATIONAL PLACEMENT, AND PROVISION OF A
- 23 FREE APPROPRIATE PUBLIC EDUCATION FOR A [children] CHILD WITH A DISABILITY
- 24 who [need special educational services] REQUIRES THE PROVISION OF SPECIAL
- 25 EDUCATION AND RELATED SERVICES;
- 26 Guidelines for curricula, instructional materials, equipment, and the
- 27 organization, administration, and supervision of the program, including accounting,
- 28 auditing, and reporting procedures;
- 29 (4) Provisions for local, regional, and State day and residential centers
- 30 for children WITH DISABILITIES who cannot be served [reasonably] APPROPRIATELY
- 31 in the [regular] public schools;
- 32 (5) Coordination of these special [educational] EDUCATION services
- 33 with services given by any other government agency; and
- 34 (6) Guidelines for approval of placement in nonpublic schools or facilities
- 35 if [suitable] APPROPRIATE public [programs] SERVICES are not available.
- 36 8-405.
- When [an admission, review, and dismissal committee] A TEAM OF
- 38 INDIVIDUALS, [meets] MEET for the purpose of discussing [a child's] THE
- 39 IDENTIFICATION, EVALUATION, educational program, or THE PROVISION OF A FREE

	APPROPRIATE PUI DISABILITY:	BLIC EDI	UCATION [handicapping condition,] OF A CHILD WITH A
5	ADVANCE OF the n	PARTIC neeting [s	ARENTS OF THE CHILD SHALL BE AFFORDED THE PROVIDED REASONABLE NOTICE IN hall be open to the child's parents, who shall be notified dar days in advance.]; AND
	(2) ADVANCE OF THE TO:		NABLE NOTICE SHALL BE AT LEAST 10 CALENDAR DAYS IN NG, UNLESS AN EXPEDITED MEETING IS BEING CONDUCTED
10		(I)	ADDRESS DISCIPLINARY ISSUES;
11 12	DISABILITY NOT	(II) CURREN	DETERMINE THE PLACEMENT OF THE CHILD WITH A ITLY RECEIVING EDUCATIONAL SERVICES; OR
13 14	TO ENSURE THE I	(III) PROVISIO	MEET OTHER URGENT NEEDS OF A CHILD WITH A DISABILITY ON OF A FREE APPROPRIATE PUBLIC EDUCATION.
15	8-406.		
18	EDUCATION AND	RELATE State prog	WITH A DISABILITY who needs special [educational] ED services that [are not] CANNOT BE provided in a public gram shall be placed in an appropriate nonpublic es these services.
22 23	apply to the special e	s subtitle a education	al years 1983, 1984, and 1985, for the purposes of this section, applicable to nonpublic special education programs day programs of the Children's Residential School of Human Behavior at the University of Maryland
		ich the ch	onpublic educational program shall be paid by the State hild is domiciled in accordance with § 8-415(d) of this
		ent or rei	t or reimbursement for a nonpublic program may not be mbursement would require an additional contribution d)(2) of this subtitle unless the Department approves:
31		(i)	The nonpublic program;
32		(ii)	The placement of the child in the program;
33		(iii)	The cost of the program; and
34		(iv)	The amount of payment or reimbursement.
35	(2)	Departm	nent approval is not required for a nonpublic program if:

1 The [county board] LOCAL SCHOOL SYSTEM approves the 2 placement of the child in the program; 3 (ii) The [county board] LOCAL SCHOOL SYSTEM makes the 4 payment or reimbursement from funds available to the [county board] LOCAL 5 SCHOOL SYSTEM established under § 8-415(c) and (d)(1) of this subtitle; and The placement does not require an additional State contribution 6 (iii) 7 under § 8-415(d)(2) of this subtitle. The State Board shall adopt [bylaws] REGULATIONS that establish 8 standards and guidelines for approvals required by paragraph (2) of this subsection. 9 10 (d) A nonpublic placement recommended by a [county board] LOCAL SCHOOL 11 SYSTEM for approval under subsection (c)(1) of this section shall be approved or 12 disapproved pursuant to the [bylaws] REGULATIONS of the State Board. However, 13 the Department may not disapprove a nonpublic placement recommended by a 14 [county board] LOCAL SCHOOL SYSTEM for a child unless the Department provides 15 an appropriate alternative placement in conformity with the [bylaws] REGULATIONS 16 of the State Board and applicable federal laws and regulations. The Department may 17 not terminate funding for the last approved nonpublic placement of a child during the 18 pendency of an administrative or judicial review of a recommended placement 19 change. Except for a placement that results from an appeal from a decision of 20 [(e) (1) 21 the Department taken under the Administrative Procedure Act, a child may not be 22 placed in a nonpublic educational program at public expense by any court unless the 23 placement is in accordance with this section. 24 (2)The Department shall be notified of each case in which the placement 25 of a child in a nonpublic educational program at public expense is sought or is under 26 consideration by a court. 27 The Department shall be made a party to the proceeding.] (3)28 IN ADDITION TO MEETING THE REQUIREMENTS OF THIS SUBTITLE, A (E) 29 LOCAL SCHOOL SYSTEM SEEKING NONPUBLIC TUITION PAYMENT MUST ALSO MEET 30 THE REQUIREMENTS OF ARTICLE 49D OF THE CODE AND OBTAIN FUNDING 31 APPROVAL FROM THE LOCAL COORDINATING COUNCIL AND THE STATE 32 COORDINATING COUNCIL. 33 8-407. All proceedings held and decisions made pursuant to [§ 8-406 or § 8-413 of] 34 35 this subtitle shall be in conformance with applicable federal law. 36 [8-408.

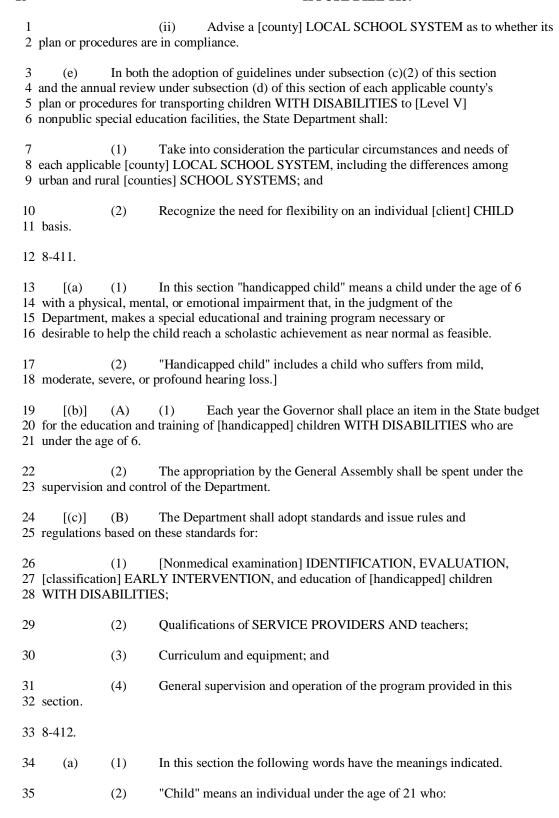
Each plan for special educational services submitted by a county board and each

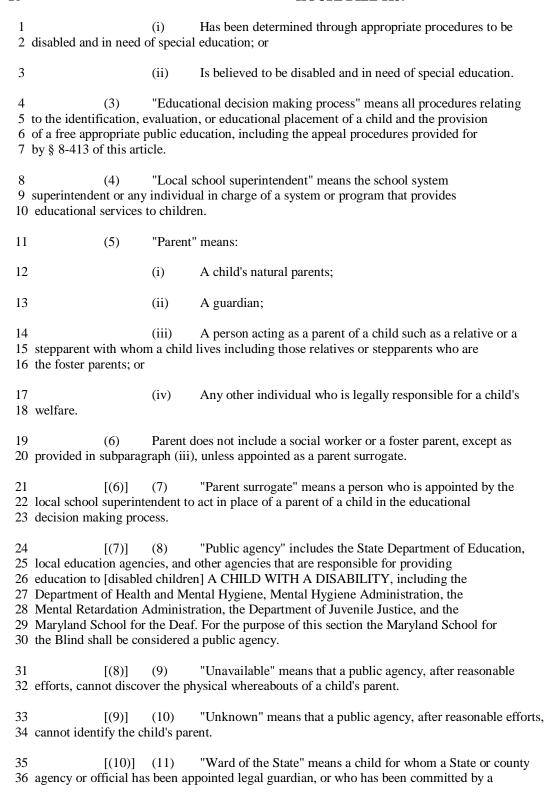
38 plan developed and adopted by the State Superintendent shall include:

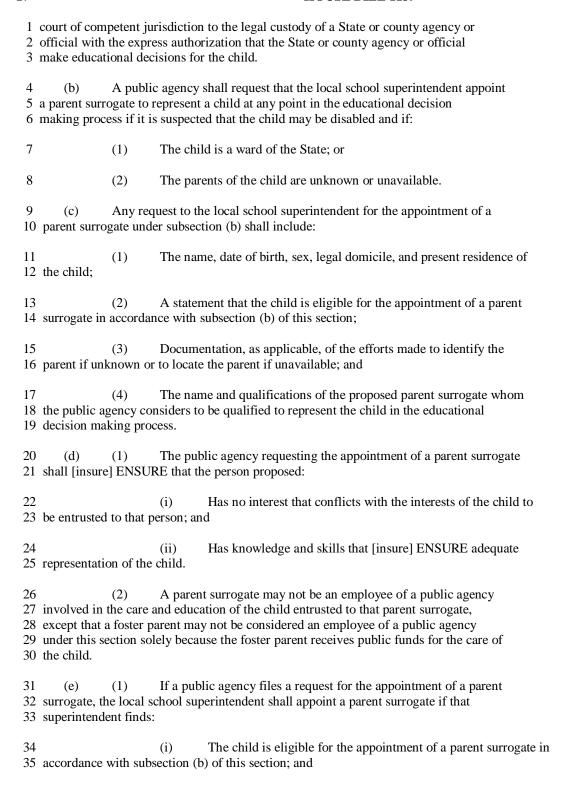


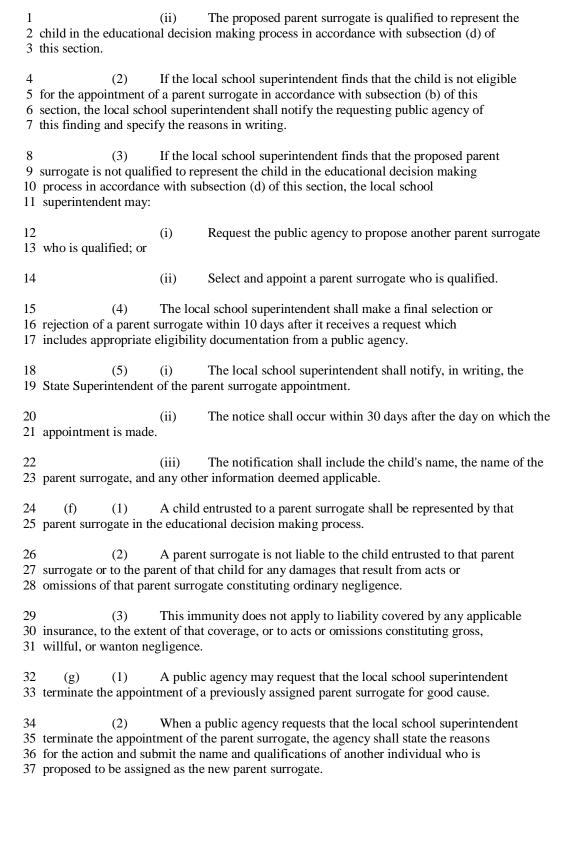
	needs. The use of other reading and writing media does not preclude the use of Braille or the instruction of Braille.					
5 6 7 8 9 10	[(4) Braille instruction and use are not required by this section if, in developing the student's individualized education program, all members of the individualized education program team concur that the student's visual impairment does not affect the student's reading and writing performance commensurate with the student's ability and in consideration of the student's future literacy needs. When a consensus cannot be reached, a blind or visually impaired student shall receive instruction in alternative media to be agreed upon by the individualized education program team and to be provided as an interim measure without prejudice to the duel process rights of either party.]					
	(c) For the purpose of achieving successful implementation of this section, the State Board and the Professional Standards and Teacher Education Board shall adopt certification standards for teachers of blind and visually impaired students.					
	The Department shall develop procedures to coordinate the statewide availability of textbooks and supplementary instructional materials in nonvisually accessible media.					
18	[8-409.					
19 20	9 (a) Each county board shall give the county health department any 0 information the board receives as to handicapped children who live in its county.					
21	(b)	The cou	anty health department shall:			
22 23	2 (1) Recommend which of these handicapped children need additional diagnostic or treatment services; and					
24		(2)	Refer these children to the county board for evaluation.			
25	(c)	Each co	unty board:			
26 27	special educ	(1) cational s	Is responsible for the identification of handicapped children who need ervices; and			
28 29	services for	(2) these har	Shall provide or arrange for appropriate educational facilities and adicapped children.]			
30	8-410.					
33 34	1 (a) Each [county board] LOCAL SCHOOL SYSTEM shall provide or arrange for the transportation during the regular school year of each [handicapped] child WITH A DISABILITY who is in a placement approved in conformity with [§§ 8-404 and 8-406 of] this subtitle and applicable [bylaws] REGULATIONS of the State Board and standards in:					
36		(1)	A public school;			

1	(2) A school maintained by a State agency; and	
2	(3) A nonpublic school.	
5	(b) The [county board] LOCAL SCHOOL SYSTEM of the county in which the handicapped] child WITH A DISABILITY resides shall certify and pay the cost of his laily or other reasonable transportation to school under the rules and regulations adopted by the State Board if:	
7 8	(1) The school is outside this State or the county in which the child esides; and	
9 10	(2) State aid has provided for the education of the child under this subtitle.	
	(c) (1) The rules and regulations adopted by the State Board shall take into consideration any hardship cases that reasonably may require additional expenses to guarantee adequate transportation during the regular school year.	
16 17 18	(2) In addition to providing advice to the Motor Vehicle Administration under § 25-110 of the Transportation Article regarding the adoption by the Administration of rules and regulations relating to the safe operation of school vehicles, including vehicles and equipment appropriate for transporting [handicapped children] A CHILD WITH A DISABILITY, the Department shall adopt guidelines which set minimum standards to meet in each of the following categories:	
22	(i) The qualifications for hiring and training of drivers and aides, including private contract personnel, involved in handling and transporting [handicapped children] A CHILD WITH A DISABILITY to [Level V] A nonpublic special education [facilities] FACILITY; and	
	(ii) The appropriate length of time and distance for transporting [handicapped children] A CHILD WITH A DISABILITY to [Level V] A nonpublic special education [facilities] FACILITY.	
29 30 31 32 33	(d) (1) By July 1 of each year any [county] LOCAL SCHOOL SYSTEM that has 25 or more [handicapped] children WITH DISABILITIES attending [Level V] nonpublic education facilities shall submit to the State Department a detailed report, including any rules and regulations it has adopted since the submission of its last report, which outline the [county's] LOCAL SCHOOL SYSTEM'S compliance with the State Department adopted guidelines for the transportation of [handicapped children] A CHILD WITH A DISABILITY to [Level V] nonpublic special education facilities.	S
35	(2) The State Department shall annually:	
38	(i) Review each applicable [county's] LOCAL SCHOOL SYSTEM' plan or procedures for transporting [handicapped] children WITH DISABILITIES to [Level V] nonpublic special education facilities for compliance with the State Department's guidelines; and	'S









- 1 (h) The State Board shall adopt rules and regulations in accordance with the
- 2 Administrative Procedure Act on the qualifications, selection, appointment, training,
- 3 compensation, removal, and replacement necessary to implement this section.
- 4 [8-414.
- 5 Beginning in fiscal year 1982, the funding level provided by this State and its
- 6 counties for educational programs for handicapped children under § 8-415 of this
- 7 subtitle may not be less than the funding level for these programs in Fiscal Year
- 8 1981.]
- 9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take 10 effect July 1, 1998.