

**Department of Legislative Services**

Maryland General Assembly

2001 Session

**FISCAL NOTE**

House Bill 1392

(Delegate Phillips, *et al.*)

Ways and Means

---

**Special Education - Program Eligibility - Representation**

---

This bill allows a special education student 18 to 20 years of age to represent himself or herself in the educational decision making process if the parent or guardian of the student has neglected to be involved in the process, refused to be involved in the process, or is unable to be involved in the process. A request to a local superintendent of schools for self-representation must include a statement and, if available, documentation of the basis under which the student is qualified to act as his or her own representative. The superintendent must determine within ten days if the student is qualified, and if the student is not qualified, the superintendent must notify in writing the student, the student's parent or guardian, and the local public school system. If the superintendent determines that the student is qualified, the superintendent must notify the State Superintendent of Schools and the local school system within 30 days. A parent or guardian or a local public school system may request that the superintendent terminate for good cause a student's qualification, and the superintendent must terminate the initial determination if the basis for the determination ceases to exist. The State Board of Education must adopt regulations to implement the bill.

The bill is effective July 1, 2001.

---

**Fiscal Summary**

**State Effect:** The Maryland State Department of Education could perform the assigned administrative responsibilities with existing resources.

**Local Effect:** Any alterations to local school policies and procedures could be made with existing resources.

**Small Business Effect:** None.

---

### **Analysis**

**Current Law:** A local public school system must request that the local superintendent of schools appoint a parent surrogate to represent a student under 21 years of age in the educational decision making process if it is suspected that the student may be disabled and if the student's parent or guardian is unknown or unavailable.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland State Department of Education, Department of Legislative Services

**Fiscal Note History:** First Reader – March 19, 2001  
ncs/hlb

---

Analysis by: Mark W. Collins

Direct Inquiries to:  
John Rixey, Coordinating Analyst  
(410) 946-5510  
(301) 970-5510