

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 248 (Chairman, Ways and Means Committee)
(Departmental – Education)

Ways and Means

Economic and Environmental Affairs

Education - Special Education

This departmental bill alters the conditions under which a local board of education is not required to reimburse a parent or guardian for enrolling a disabled child in a nonpublic school. This change conforms State law to the federal Individuals with Disabilities Education Act (IDEA).

This bill takes effect July 1, 2001.

Fiscal Summary

State Effect: The State Board of Education has already promulgated regulations incorporating the provisions of this legislation. The State regulations became effective on July 1, 1999. This bill conforms State law to the federal IDEA and to existing State regulations (COMAR 13A.05.01).

Local Effect: Since local school systems must already comply with these new procedures, local school expenditures would not be affected.

Small Business Effect: The Maryland State Department of Education (MSDE) has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: If a public school program for a disabled student is inappropriate, the disabled student's parent or guardian can enroll the child in a nonpublic school and the local board of education must reimburse the parent or guardian for the tuition or related costs associated with the nonpublic program. A local board of education, however, is not required to reimburse the parent or guardian if: (1) prior written notice detailing the reasons for rejecting the public school program and stating the intention of enrolling the child in a nonpublic school is not provided to the local board; (2) the nonpublic school program is found to be inappropriate; or (3) the public school program is found to be appropriate.

Background: New State regulations governing the provision of a free appropriate public education for students with disabilities went into effect on July 1, 1999 as a result of federal changes due to the reauthorization of the IDEA.

Additional Comments: MSDE advises that \$101 million in federal education funding for special education programs could be eliminated if the State's education programs for children with disabilities do not conform to federal law (IDEA). Approximately \$95 million of the federal funding goes to local school systems.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader – February 11, 2001
ef/jr

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