

HOUSE BILL 371

Unofficial Copy  
F1

2002 Regular Session  
(21r0979)

**ENROLLED BILL**

-- *Ways and Means and Appropriations/Education, Health, and Environmental Affairs  
and Budget and Taxation* --

Introduced by **Delegates Hixson, Shriver, Bartlett, Bohanan, Bozman, Conroy,  
C. Davis, Healey, Heller, Rosso, Rudolph, Rzepkowski, Carlson, Cryor,  
Finifter, Howard, Marriott, Patterson, Phillips, Zirkin, Love, and  
~~McKee~~ McKee, Dembrow, Conway, R. Baker, W. Baker, Barkley, Branch,  
Cadden, D'Amato, Dewberry, Edwards, Franchot, Griffith, Hecht,  
Hubers, James, A. Jones, Kagan, Klima, Leopold, Pitkin, Proctor,  
Rawlings, Rosenberg, Stocksdales, and Turner**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Infants and Toddlers Act of 2002**

3 FOR the purpose of renaming a certain statewide interagency system of  
4 comprehensive early intervention services for certain infants and toddlers to be  
5 the Maryland Infants and Toddlers Program; providing for the purpose of the  
6 Program; requiring the Maryland State Department of Education to distribute  
7 funds to counties for the Program according to a certain formula; requiring the  
8 State to provide a certain percentage of the funds for the Program ~~in certain~~  
9 ~~years; requiring the State Department of Education to submit a certain report~~  
10 ~~on the Program by a certain date; requiring the Governor to include a certain~~

1 ~~amount in certain State budgets for the Program~~ *subject to a certain condition in*  
2 *certain years; requiring the State Department of Education to submit a certain*  
3 *report on the Program by a certain date;* and generally relating to the Maryland  
4 Infants and Toddlers Program.

5 BY repealing and reenacting, with amendments,  
6 Article - Education  
7 Section 8-416  
8 Annotated Code of Maryland  
9 (2001 Replacement Volume)

10 Preamble

11 WHEREAS, Brain research confirms that the most rapid brain development  
12 occurs in the first three years of life; and

13 WHEREAS, The General Assembly has recognized the immediate need for  
14 effective strategies to prepare all children to enter school ready to learn; and

15 WHEREAS, The National Academy of Sciences concludes that the course of  
16 development for young children can be altered by effective early interventions; and

17 *WHEREAS, A key component of effective early intervention is the Program of*  
18 *Hearing-Impaired Infants; and*

19 WHEREAS, The Maryland Infants and Toddlers Program provides effective,  
20 integrated services to young children from birth through age ~~two~~ *three* who  
21 demonstrate a 25% delay in development, have a diagnosed condition with a high  
22 probability of delay, or demonstrate atypical development or behavior; and

23 WHEREAS, Early intervention services are provided in a child's natural  
24 environment, such as home, child care settings, and community learning centers; and

25 WHEREAS, Early intervention services and strategies are modeled for parents  
26 and caregivers so that development may continue in the child's daily living routines;  
27 and

28 WHEREAS, An Individualized Family Service Plan is implemented to assist  
29 with the needs of the family, as well as the young child receiving services; and

30 WHEREAS, The number of children and families receiving services from the  
31 Maryland Infants and Toddlers Program has increased 30% since 1995, with the State  
32 appropriation remaining at \$400,000 since fiscal year 1997; and

33 WHEREAS, The current level of available federal, State, and local funds is  
34 insufficient to provide early intervention services to the steadily increasing number of  
35 infants and toddlers with disabilities and their families in compliance with Part C of  
36 the Individuals with Disabilities Education Act and COMAR 13A.13.01; and

1 WHEREAS, 24% of the young children receiving early intervention through the  
2 Maryland Infants and Toddlers Program in 2000 required no special education  
3 services at age three; now, therefore,

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
5 MARYLAND, That the Laws of Maryland read as follows:

6 **Article - Education**

7 8-416.

8 [(a) The Department shall be the lead agency for supervising and monitoring a  
9 statewide, community-based interagency system of comprehensive early intervention  
10 services to eligible infants and toddlers, birth through age 2, and their families.]

11 (A) (1) THERE IS A MARYLAND INFANTS AND TODDLERS PROGRAM IN THE  
12 DEPARTMENT.

13 (2) THE PURPOSE OF THE PROGRAM IS TO PROVIDE A STATEWIDE,  
14 COMMUNITY-BASED INTERAGENCY SYSTEM OF COMPREHENSIVE EARLY  
15 INTERVENTION SERVICES TO ELIGIBLE INFANTS AND TODDLERS, BIRTH THROUGH  
16 AGE 2, AND THEIR FAMILIES.

17 (B) THE DEPARTMENT SHALL BE THE LEAD AGENCY FOR SUPERVISING AND  
18 MONITORING THE PROGRAM.

19 [(b) (C) The [interagency system] PROGRAM shall include the early  
20 intervention services provided or supervised by THE DEPARTMENT AND the State  
21 Departments of Health and Mental Hygiene *INCLUDING THE PROGRAM FOR*  
22 *HEARING-IMPAIRED INFANTS ESTABLISHED UNDER TITLE 13, SUBTITLE 6 OF THE*  
23 *HEALTH - GENERAL ARTICLE*[, Human Resources, and Juvenile Justice,] AND  
24 HUMAN RESOURCES, and the Office for Children, Youth, and Families.

25 [(c) (D) The [interagency system of early intervention services] PROGRAM  
26 shall be administered in accord with the applicable requirements of [Federal Public  
27 Law 99-457] PART C OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT and  
28 other applicable federal and State laws.

29 [(d) (E) An interagency coordinating council shall be appointed by the  
30 Governor, with the advice and consent of the Senate, and shall:

31 (1) Advise and assist the Department in the supervision and monitoring  
32 of the [interagency system of early intervention services] PROGRAM; and

33 (2) Submit an annual report to the Governor and the federal  
34 government.

35 [(e) (F) Local lead agencies shall be established or designated in each county  
36 and Baltimore City to administer the [interagency system of early intervention  
37 services] PROGRAM in their subdivision, under the direction of the Department.

1       [(f)]     (G)     (1)     In each county, the county executive or county commissioners,  
 2 as appropriate, or in Baltimore City, the Mayor shall establish a local interagency  
 3 coordinating council to advise and assist the local lead agency in the development and  
 4 implementation of policies that constitute the local [early intervention system]  
 5 PROGRAM.

6               (2)     (i)     In each county, the county executive or county commissioners,  
 7 as appropriate, or in Baltimore City, the Mayor may designate the local management  
 8 board to serve as the local interagency coordinating council or establish the local  
 9 interagency coordinating council as a part of that board.

10                       (ii)    Where a local management board and a local interagency  
 11 coordinating council coexist, they shall work cooperatively.

12       (H)     (1)     FOR FISCAL YEAR ~~2004~~ ~~2005~~ 2004, THE ANNUAL PER CHILD COST OF  
 13 THE PROGRAM IS ~~\$4,044~~ ~~\$4,165~~ \$4,044.

14               (2)     FOR FISCAL YEAR ~~2005~~ ~~2006~~ 2005 AND EACH SUCCEEDING FISCAL  
 15 YEAR, THE ANNUAL PER CHILD COST OF THE PROGRAM SHALL BE THE AMOUNT IN  
 16 ~~SUBSECTION (G)(4) PARAGRAPH (1) OF THIS SUBSECTION~~ INCREASED BY THE SAME  
 17 PERCENTAGE AS THE INCREASE IN THE IMPLICIT PRICE DEFLATOR FOR STATE AND  
 18 LOCAL GOVERNMENT EXPENDITURES, AS OF JULY OF THE SECOND FISCAL YEAR  
 19 PRECEDING THE YEAR FOR WHICH THE AMOUNT IS BEING CALCULATED.

20                       (3)     ~~SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, FOR FISCAL~~  
 21 ~~YEAR 2004 AND EACH SUCCEEDING FISCAL YEAR, THE DEPARTMENT SHALL~~  
 22 ~~DISTRIBUTE A GRANT TO THE LOCAL LEAD AGENCY FOR THE PROGRAM IN EACH~~  
 23 ~~COUNTY IN AN AMOUNT AT LEAST EQUAL TO 20% OF THE PRODUCT OF:~~

24                               ~~(I)     THE ANNUAL PER CHILD COST; AND~~

25                               ~~(II)    THE NUMBER OF CHILDREN IN THE COUNTY WHO RECEIVED~~  
 26 ~~SERVICES UNDER THE PROGRAM IN THE SECOND FISCAL YEAR PRECEDING THE~~  
 27 ~~YEAR FOR WHICH THE AMOUNT IS BEING CALCULATED.~~

28                               ~~(4)     (I)     THE FUNDING FORMULA PROVIDED IN PARAGRAPH (3) OF THIS~~  
 29 ~~SUBSECTION SHALL BE IMPLEMENTED ONLY TO THE EXTENT THAT FUNDS ARE~~  
 30 ~~PROVIDED IN THE STATE BUDGET FOR THE GRANTS UNDER PARAGRAPH (3) OF THIS~~  
 31 ~~SUBSECTION.~~

32                               ~~(II)    PARAGRAPH (3) OF THIS SUBSECTION DOES NOT REQUIRE~~  
 33 ~~FUNDS FOR THE GRANTS UNDER PARAGRAPH (3) OF THIS SUBSECTION TO BE~~  
 34 ~~INCLUDED IN THE STATE BUDGET THE AVAILABILITY OF FUNDING FOR THE~~  
 35 ~~PROGRAM IN THE STATE BUDGET, THE DEPARTMENT SHALL DISTRIBUTE A GRANT~~  
 36 ~~TO THE LOCAL LEAD AGENCY FOR THE PROGRAM IN EACH COUNTY IN AN AMOUNT~~  
 37 ~~EQUAL TO THE PRODUCT OF:~~

38                               ~~(I)     THE ANNUAL PER CHILD COST MULTIPLIED BY THE NUMBER~~  
 39 ~~OF CHILDREN IN THE COUNTY WHO RECEIVED SERVICES UNDER THE PROGRAM IN~~

1 THE SECOND FISCAL YEAR PRECEDING THE YEAR FOR WHICH THE AMOUNT IS  
2 BEING CALCULATED; AND

3 (II) 1. .05 FOR FISCAL YEAR 2004;

4 2. .10 FOR FISCAL YEAR 2005;

5 3. .15 FOR FISCAL YEAR 2006; AND

6 4. .20 FOR FISCAL YEAR 2007 AND EACH SUCCEEDING FISCAL  
7 YEAR.

8 [(g)] (I) The Department shall adopt regulations necessary to carry out the  
9 provisions of this section.

10 (3) ~~FOR FISCAL YEAR 2004 AND EACH SUCCEEDING FISCAL YEAR, THE~~  
11 ~~DEPARTMENT SHALL DISTRIBUTE A GRANT TO THE LOCAL LEAD AGENCY FOR THE~~  
12 ~~PROGRAM IN EACH COUNTY IN AN AMOUNT AT LEAST EQUAL TO 20% OF THE~~  
13 ~~PRODUCT OF:~~

14 (I) ~~THE ANNUAL PER CHILD COST; AND~~

15 (II) ~~THE NUMBER OF CHILDREN IN THE COUNTY WHO RECEIVED~~  
16 ~~SERVICES UNDER THE PROGRAM IN THE SECOND FISCAL YEAR PRECEDING THE~~  
17 ~~YEAR FOR WHICH THE AMOUNT IS BEING CALCULATED.~~

18 (3) THE DEPARTMENT SHALL DISTRIBUTE A GRANT TO THE LOCAL LEAD  
19 AGENCY FOR THE PROGRAM IN EACH COUNTY IN AN AMOUNT EQUAL TO THE  
20 PRODUCT OF:

21 (I) THE ANNUAL PER CHILD COST MULTIPLIED BY THE NUMBER  
22 OF CHILDREN IN THE COUNTY WHO RECEIVED SERVICES UNDER THE PROGRAM IN  
23 THE SECOND FISCAL YEAR PRECEDING THE YEAR FOR WHICH THE AMOUNT IS  
24 BEING CALCULATED; AND

25 (II) 1. .05 FOR FISCAL YEAR 2005;

26 2. .10 FOR FISCAL YEAR 2006;

27 3. .15 FOR FISCAL YEAR 2007; AND

28 4. .20 FOR FISCAL YEAR 2008 AND EACH SUCCEEDING FISCAL  
29 YEAR.

30 [(g)] (I) The Department shall adopt regulations necessary to carry out the  
31 provisions of this section.

32 SECTION 2. ~~AND BE IT FURTHER ENACTED, That it is the intent of the~~  
33 ~~General Assembly that the Governor shall include an appropriation in the State~~  
34 ~~budget for fiscal year 2003 2004 for the Maryland Infants and Toddlers Program of at~~  
35 ~~least \$5,200,000 \$680,000. In addition to any funds appropriated in fiscal year 2003~~

1 ~~2004~~ for the Maryland Infants and Toddlers Program, the Governor shall include in  
2 the State budgets for fiscal year 2004 ~~2005~~ and each fiscal year thereafter for the  
3 Maryland Infants and Toddlers Program an appropriation that is sufficient to fund  
4 the grants required under § 8-416 of the Education Article as amended by this Act.

5 ~~SECTION 3. AND BE IT FURTHER ENACTED, That the Maryland State~~  
6 ~~Department of Education shall conduct a study of the effectiveness of the Maryland~~  
7 ~~Infants and Toddlers Program enacted by this Act and shall submit a report to the~~  
8 ~~Governor and, in accordance with § 2-1246 of the State Government Article, the~~  
9 ~~General Assembly on or before December 15, 2005, with recommendations on~~  
10 ~~whether: (1) the program should be continued or modified; and (2) funding for the~~  
11 ~~program should be modified or should increase in fiscal years 2007 and 2008 and~~  
12 ~~thereafter as provided in § 8-416(h) of the Education Article, as amended by this Act.~~

13 SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland State  
14 Department of Education shall conduct a study of the effectiveness of the Maryland  
15 Infants and Toddlers Program enacted by this Act and shall submit a report to the  
16 Governor and, in accordance with § 2-1246 of the State Government Article, the  
17 General Assembly on or before December 15, 2005, with recommendations on:

18 (1) whether the Program should be continued or modified; and

19 (2) whether the funding for the Program as provided in § 8-416(h) of the  
20 Education Article as enacted by this Act, should be modified in fiscal year 2006 and  
21 thereafter.

22 ~~SECTION 3. 4. 2. 3.~~ AND BE IT FURTHER ENACTED, That this Act shall  
23 take effect July 1, 2002.