

HOUSE BILL 371

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2002 Regular Session
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CF 2lr1715

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**

Introduced and read first time: January 25, 2002
Assigned to: Ways and Means and Appropriations

A BILL ENTITLED

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; requiring the
9 Governor to include a certain amount in certain State budgets for the Program;
10 and generally relating to the Maryland Infants and Toddlers Program.

11 BY repealing and reenacting, with amendments,
12 Article - Education
13 Section 8-416
14 Annotated Code of Maryland
15 (2001 Replacement Volume)

16 Preamble

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

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

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

23 WHEREAS, The Maryland Infants and Toddlers Program provides effective,
24 integrated services to young children from birth through age two who demonstrate a
25 25% delay in development, have a diagnosed condition with a high probability of
26 delay, or demonstrate atypical development or behavior; and

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

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

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

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

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

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

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

20 **Article - Education**

21 8-416.

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

25 (A) (1) THERE IS A MARYLAND INFANTS AND TODDLERS PROGRAM IN THE
26 DEPARTMENT.

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

31 (B) THE DEPARTMENT SHALL BE THE LEAD AGENCY FOR SUPERVISING AND
32 MONITORING THE PROGRAM.

33 [(b) (C) The [interagency system] PROGRAM shall include the early
34 intervention services provided or supervised by THE DEPARTMENT AND the State
35 Departments of Health and Mental Hygiene[, Human Resources, and Juvenile
36 Justice,] AND HUMAN RESOURCES, and the Office for Children, Youth, and Families.

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

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

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

9 (2) Submit an annual report to the Governor and the federal
10 government.

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

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

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

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

25 (H) (1) FOR FISCAL YEAR 2004, THE ANNUAL PER CHILD COST OF THE
26 PROGRAM IS \$4,044.

27 (2) FOR FISCAL YEAR 2005 AND EACH SUCCEEDING FISCAL YEAR, THE
28 ANNUAL PER CHILD COST OF THE PROGRAM SHALL BE THE AMOUNT IN SUBSECTION
29 (G)(1) INCREASED BY THE SAME PERCENTAGE AS THE INCREASE IN THE IMPLICIT
30 PRICE DEFLATOR FOR STATE AND LOCAL GOVERNMENT EXPENDITURES, AS OF JULY
31 OF THE SECOND FISCAL YEAR PRECEDING THE YEAR FOR WHICH THE AMOUNT IS
32 BEING CALCULATED.

33 (3) FOR FISCAL YEAR 2004 AND EACH SUCCEEDING FISCAL YEAR, THE
34 DEPARTMENT SHALL DISTRIBUTE A GRANT TO THE LOCAL LEAD AGENCY FOR THE
35 PROGRAM IN EACH COUNTY IN AN AMOUNT AT LEAST EQUAL TO 20% OF THE
36 PRODUCT OF:

37 (I) THE ANNUAL PER CHILD COST; AND

1 (II) THE NUMBER OF CHILDREN IN THE COUNTY WHO RECEIVED
2 SERVICES UNDER THE PROGRAM IN THE SECOND FISCAL YEAR PRECEDING THE
3 YEAR FOR WHICH THE AMOUNT IS BEING CALCULATED.

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

6 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the
7 General Assembly that the Governor shall include an appropriation in the State
8 budget for fiscal year 2003 for the Maryland Infants and Toddlers Program of at least
9 \$5,200,000. In addition to any funds appropriated in fiscal year 2003 for the
10 Maryland Infants and Toddlers Program, the Governor shall include in the State
11 budgets for fiscal year 2004 and each fiscal year thereafter for the Maryland Infants
12 and Toddlers Program an appropriation that is sufficient to fund the grants required
13 under § 8-416 of the Education Article as amended by this Act.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
15 effect July 1, 2002.