

HOUSE BILL 371
SECOND PRINTING

Unofficial Copy
F1

2002 Regular Session
2lr0979
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~~ 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, Stocksdale, and Turner**

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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 23, 2002

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
11 amount in certain State budgets for the Program; and generally relating to the
12 Maryland Infants and Toddlers Program.

13 BY repealing and reenacting, with amendments,
14 Article - Education
15 Section 8-416
16 Annotated Code of Maryland
17 (2001 Replacement Volume)

1 Preamble

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

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

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

8 WHEREAS, The Maryland Infants and Toddlers Program provides effective,
9 integrated services to young children from birth through age two who demonstrate a
10 25% delay in development, have a diagnosed condition with a high probability of
11 delay, or demonstrate atypical development or behavior; and

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

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

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

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

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

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

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

31 **Article - Education**

32 8-416.

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

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

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

7 (B) THE DEPARTMENT SHALL BE THE LEAD AGENCY FOR SUPERVISING AND
8 MONITORING THE PROGRAM.

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

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

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

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

21 (2) Submit an annual report to the Governor and the federal
22 government.

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

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

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

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

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

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

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

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

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

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

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

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

23 2. .10 FOR FISCAL YEAR 2006;

24 3. .15 FOR FISCAL YEAR 2007; AND

25 4. .20 FOR FISCAL YEAR 2008 AND EACH SUCCEEDING FISCAL
 26 YEAR.

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

29 SECTION 2. AND BE IT FURTHER ENACTED, That ~~it is the intent of the~~
 30 ~~General Assembly that~~ the Governor shall include an appropriation in the State
 31 budget for fiscal year ~~2003~~ 2004 for the Maryland Infants and Toddlers Program of at
 32 least ~~\$5,200,000~~ \$680,000. In addition to any funds appropriated in fiscal year ~~2003~~
 33 2004 for the Maryland Infants and Toddlers Program, the Governor shall include in
 34 the State budgets for fiscal year ~~2004~~ 2005 and each fiscal year thereafter for the
 35 Maryland Infants and Toddlers Program an appropriation that is sufficient to fund
 36 the grants required under § 8-416 of the Education Article as amended by this Act.

37 SECTION 3. AND BE IT FURTHER ENACTED, That the Maryland State
 38 Department of Education shall conduct a study of the effectiveness of the Maryland

1 Infants and Toddlers Program enacted by this Act and shall submit a report to the
2 Governor and, in accordance with § 2-1246 of the State Government Article, the
3 General Assembly on or before December 15, 2005, with recommendations on
4 whether: (1) the program should be continued or modified; and (2) funding for the
5 program should be modified or should increase in fiscal years 2007 and 2008 and
6 thereafter as provided in § 8-416(h) of the Education Article, as amended by this Act.

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