

SENATE BILL 419

Unofficial Copy
F1

2002 Regular Session
2lr1715
CF 2lr0979

By: **Senators Hollinger, Bromwell, and Neall**

Introduced and read first time: January 30, 2002

Assigned to: Education, Health, and Environmental Affairs and Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 29, 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 subject to a
9 certain condition; ~~requiring the Governor to include a certain amount in certain~~
10 ~~State budgets for the Program~~; and generally relating to the Maryland Infants
11 and Toddlers Program.

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

17 Preamble

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

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

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

1 WHEREAS, A key component of effective early intervention is the Program of
2 Hearing-Impaired Infants; and

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

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

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

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

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

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

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

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

26 **Article - Education**

27 8-416.

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

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

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

1 (B) THE DEPARTMENT SHALL BE THE LEAD AGENCY FOR SUPERVISING AND
2 MONITORING THE PROGRAM.

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

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

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

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

17 (2) Submit an annual report to the Governor and the federal
18 government.

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

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

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

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

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

35 (2) FOR FISCAL YEAR 2005 AND EACH SUCCEEDING FISCAL YEAR, THE
36 ANNUAL PER CHILD COST OF THE PROGRAM SHALL BE THE AMOUNT IN ~~SUBSECTION~~
37 ~~(G)(1) PARAGRAPH (1) OF THIS SUBSECTION~~ INCREASED BY THE SAME PERCENTAGE
38 AS THE INCREASE IN THE IMPLICIT PRICE DEFLATOR FOR STATE AND LOCAL

1 GOVERNMENT EXPENDITURES, AS OF JULY OF THE SECOND FISCAL YEAR
2 PRECEDING THE YEAR FOR WHICH THE AMOUNT IS BEING CALCULATED.

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

7 (I) THE ANNUAL PER CHILD COST; AND

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

11 (4) (I) THE FUNDING FORMULA PROVIDED IN PARAGRAPH (3) OF THIS
12 SUBSECTION SHALL BE IMPLEMENTED ONLY TO THE EXTENT THAT FUNDS ARE
13 PROVIDED IN THE STATE BUDGET FOR THE GRANTS UNDER PARAGRAPH (3) OF THIS
14 SUBSECTION.

15 (II) PARAGRAPH (3) OF THIS SUBSECTION DOES NOT REQUIRE
16 FUNDS FOR THE GRANTS UNDER PARAGRAPH (3) OF THIS SUBSECTION TO BE
17 INCLUDED IN THE STATE BUDGET.

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

20 ~~SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the~~
21 ~~General Assembly that the Governor shall include an appropriation in the State~~
22 ~~budget for fiscal year 2003 for the Maryland Infants and Toddlers Program of at least~~
23 ~~\$5,200,000. In addition to any funds appropriated in fiscal year 2003 for the~~
24 ~~Maryland Infants and Toddlers Program, the Governor shall include in the State~~
25 ~~budgets for fiscal year 2004 and each fiscal year thereafter for the Maryland Infants~~
26 ~~and Toddlers Program an appropriation that is sufficient to fund the grants required~~
27 ~~under § 8-416 of the Education Article as amended by this Act.~~

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