
By: **Delegates Hixson, Bozman, C. Davis, Goodwin, Gordon, Healey,
Howard, Marriott, and Patterson**

Introduced and read first time: February 2, 2006

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Primary and Secondary Education - Special Education Programs and**
3 **Related Services for Children with Disabilities - Assessment and Operation**

4 FOR the purpose of requiring the State Department of Education to establish a
5 process to assess the effectiveness and management of special education
6 programs and related services for children with disabilities in each local school
7 system; requiring the Department to assess the special education programs and
8 related services of each local school system according to a certain schedule;
9 requiring the Department to provide all special education programs and related
10 services to certain children at a certain time and for a certain duration if a
11 certain assessment finds a local school system to be providing certain
12 inadequate programs and services; requiring certain county boards to transfer
13 certain amounts of money to the Department under certain circumstances;
14 requiring certain county boards of education to prepare, update, and submit to
15 the Department certain plans relating to special education programs and
16 related services; requiring the Department to review certain plans and under
17 certain circumstances require local school systems to provide certain programs
18 and services; requiring the Department to adopt certain regulations; requiring
19 the Department to make certain reports to the Governor and the General
20 Assembly; and generally relating to the assessment and operation of special
21 education programs and related services for children with disabilities.

22 BY adding to

23 Article - Education

24 Section 8-418

25 Annotated Code of Maryland

26 (2004 Replacement Volume and 2005 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

28 MARYLAND, That the Laws of Maryland read as follows:

1

Article - Education

2 8-418.

3 (A) (1) THE DEPARTMENT SHALL ESTABLISH A PROCESS TO ASSESS THE
4 EFFECTIVENESS AND MANAGEMENT OF SPECIAL EDUCATION PROGRAMS AND
5 RELATED SERVICES FOR CHILDREN WITH DISABILITIES IN EACH LOCAL SCHOOL
6 SYSTEM.

7 (2) THE ASSESSMENT PROCESS SHALL INCLUDE A GRADING SYSTEM TO
8 IDENTIFY LOCAL SCHOOL SYSTEMS THAT FAIL TO PROVIDE ADEQUATE, EFFECTIVE
9 SPECIAL EDUCATION PROGRAMS AND RELATED SERVICES TO CHILDREN WITH
10 DISABILITIES.

11 (B) (1) THE DEPARTMENT SHALL ASSESS THE SPECIAL EDUCATION
12 PROGRAMS AND RELATED SERVICES OF 12 LOCAL SCHOOL SYSTEMS IN FISCAL YEAR
13 2007 AND THE REMAINING 12 LOCAL SCHOOL SYSTEMS IN FISCAL YEAR 2008.

14 (2) THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN
15 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL
16 ASSEMBLY, THE RESULTS OF EACH ASSESSMENT OF A LOCAL SCHOOL SYSTEM
17 WITHIN 45 DAYS OF COMPLETING THE ASSESSMENT.

18 (C) (1) IF THE DEPARTMENT FINDS THAT A LOCAL SCHOOL SYSTEM IS
19 PROVIDING INADEQUATE SPECIAL EDUCATION PROGRAMS AND RELATED SERVICES,
20 AS MEASURED BY THE ASSESSMENT REQUIRED UNDER SUBSECTION (B) OF THIS
21 SECTION, THE DEPARTMENT SHALL PROVIDE ALL SPECIAL EDUCATION PROGRAMS
22 AND RELATED SERVICES TO DISABLED CHILDREN WHO ATTEND PUBLIC SCHOOLS IN
23 THE LOCAL SCHOOL SYSTEM, BEGINNING IN THE FISCAL YEAR AFTER THE FISCAL
24 YEAR IN WHICH THE ASSESSMENT WAS COMPLETED AND ENDING NO EARLIER THAN
25 THE FISCAL YEAR IN WHICH THE DEPARTMENT DETERMINES THAT THE LOCAL
26 SYSTEM IS ABLE TO PROVIDE ADEQUATE, EFFECTIVE SPECIAL EDUCATION
27 PROGRAMS AND RELATED SERVICES TO DISABLED CHILDREN.

28 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, FOR
29 EACH FISCAL YEAR IN WHICH THE DEPARTMENT PROVIDES ALL SPECIAL
30 EDUCATION PROGRAMS AND RELATED SERVICES TO DISABLED CHILDREN IN A
31 LOCAL SCHOOL SYSTEM, THE COUNTY BOARD SHALL TRANSFER AN AMOUNT
32 EQUIVALENT TO THE PER PUPIL EXPENDITURES BY THE COUNTY, FROM ANY FUND
33 SOURCE, FOR SPECIAL EDUCATION PROGRAMS AND SERVICES IN THE LAST FISCAL
34 YEAR IN WHICH THE LOCAL SCHOOL SYSTEM PROVIDED SPECIAL EDUCATION
35 PROGRAMS AND SERVICES.

36 (3) IF THE DEPARTMENT PROVIDES SPECIAL EDUCATION PROGRAMS
37 AND RELATED SERVICES TO DISABLED CHILDREN IN A FACILITY OWNED OR
38 CONTROLLED BY A COUNTY BOARD, THE AMOUNTS REQUIRED TO BE TRANSFERRED
39 UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL BE REDUCED BY TEN PERCENT.

40 (D) (1) IF THE DEPARTMENT FINDS THAT A LOCAL SCHOOL SYSTEM IS
41 PROVIDING INADEQUATE SPECIAL EDUCATION PROGRAMS AND RELATED SERVICES,

1 AS MEASURED BY THE ASSESSMENT REQUIRED UNDER SUBSECTION (B) OF THIS
2 SECTION, THE COUNTY BOARD SHALL PREPARE A PLAN TO IMPROVE ITS SPECIAL
3 EDUCATION PROGRAMS AND RELATED SERVICES.

4 (2) THE COUNTY BOARD SHALL SUBMIT THE PLAN TO THE
5 DEPARTMENT WITHIN 2 YEARS OF THE DATE THE ASSESSMENT WAS COMPLETED
6 AND SHALL UPDATE AND MODIFY THE PLAN AS REQUIRED BY THE DEPARTMENT.

7 (3) THE DEPARTMENT SHALL REVIEW THE PLAN AND, IF THE PLAN IS
8 APPROVED, REQUIRE THE LOCAL SCHOOL SYSTEM TO PROVIDE SPECIAL EDUCATION
9 PROGRAMS AND RELATED SERVICES IN ACCORDANCE WITH THE PLAN.

10 (E) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS
11 SECTION.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
13 effect July 1, 2006.