
By: **Chair, Education, Health, and Environmental Affairs Committee (By
Request - Departmental - Education)**

Introduced and read first time: January 16, 2006

Rules suspended

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Special Programs for Exceptional Children**

3 FOR the purpose of prohibiting the payment or reimbursement of the costs of certain
4 services if a child is eligible for certain funding under regulations adopted by the
5 State Department of Education; requiring a local school system to obtain certain
6 funding approval for certain nonpublic tuition payments in accordance with
7 regulations adopted by the Department; altering certain procedures for the
8 appointment of parent surrogates; altering certain procedures for the resolution
9 of certain disputes; requiring administrative due process hearing decisions to be
10 based on certain criteria; requiring expedited administrative due process
11 hearings under certain conditions within a certain time period; requiring public
12 agencies to pay the special education expenses at private and nonpublic schools
13 under certain conditions; repealing certain obsolete references; altering certain
14 definitions; defining certain terms; providing for the repeal of laws inconsistent
15 with this Act; and generally relating to the provision of special education and
16 related services to children with disabilities.

17 BY repealing and reenacting, with amendments,
18 Article - Education
19 Section 8-401(a), 8-406(d)(2) and (f), 8-408(a)(4), 8-410(b)(2), 8-412, 8-413,
20 8-416(c), and 8-417(b) and (c)
21 Annotated Code of Maryland
22 (2004 Replacement Volume and 2005 Supplement)

23 BY repealing and reenacting, without amendments,
24 Article - Education
25 Section 8-416(a)
26 Annotated Code of Maryland
27 (2004 Replacement Volume and 2005 Supplement)

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

1

Article - Education

2 8-401.

3 (a) (1) In this subtitle the following words have the meanings indicated.

4 (2) "Child with a disability" means a child who has been determined
5 through appropriate assessment as having autism, deaf-blindness, hearing
6 impairment, including deafness, emotional disturbance, mental retardation, multiple
7 disabilities, orthopedic impairment, other health impairment, specific learning
8 disability, speech or language impairment, traumatic brain injury, visual impairment,
9 including blindness, and who because of that impairment needs special education and
10 related services.

11 (3) "Free appropriate public education" means special education and
12 related services that:

13 (i) Are provided at public expense, under public supervision and
14 direction, at no cost to the parents;

15 (ii) Meet the standards of the State Board regulations and the
16 Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq. [1997]);

17 (iii) Includes preschool, elementary, and secondary education; and

18 (iv) Are provided in conformance with the requirements of the
19 child's individualized education program.

20 (4) "Special education" means specially designed instruction, at no cost
21 to parents, to meet the unique needs of a child with a disability, including:

22 (i) Instruction in the classroom, in the home, in hospitals and
23 institutions, and in other settings; and

24 (ii) Instruction in physical education.

25 (5) (i) "Related services" means transportation and such
26 developmental, corrective, and other supportive services as may be required to assist
27 a child with a disability to benefit from special education.

28 (ii) "Related services" includes the early identification and
29 assessment of disabling conditions in children.

30 (III) "RELATED SERVICES" DOES NOT INCLUDE A SURGICALLY
31 IMPLANTED MEDICAL DEVICE OR THE REPLACEMENT OF THE DEVICE.

32 8-406.

33 (d) (2) For wraparound services, payment or reimbursement may not be
34 provided in accordance with § 8-415(d) of this subtitle if:

1 (i) The child is eligible for funding for out-of-state placement of
2 children under [Article 49D, §§ 4.3 and 20.1 of the Code] DEPARTMENTAL
3 REGULATIONS; or

4 (ii) Alternative federal, State, or local funding is available.

5 (f) In addition to meeting the requirements of this subtitle, a local school
6 system seeking nonpublic tuition payment [must also meet the requirements of
7 Article 49D of the Code, as applicable, and] SHALL obtain funding approval from the
8 local coordinating council and the State Coordinating Council IN ACCORDANCE WITH
9 DEPARTMENTAL REGULATIONS.

10 8-408.

11 (a) (4) "Individualized education program" and "IEP team" have the same
12 meaning as provided by the Individuals with Disabilities Education Act
13 [Amendments of 1997, P.L. 105-17, Section 614(d)].

14 8-410.

15 (b) (2) If a local management board, AS established [under Article 49D, § 11
16 of the Code] BY THE GOVERNOR'S OFFICE FOR CHILDREN, funds the placement of a
17 child in a school that is outside the State or the county in which the child resides
18 without consulting the local school system, the local management board shall certify
19 and pay the cost of the student's daily or other reasonable transportation to school.

20 8-412.

21 (a) (1) In this section the following words have the meanings indicated.

22 (2) "Child" means an individual [under the age of 21] who IS ELIGIBLE
23 TO RECEIVE EDUCATION SERVICES IN ACCORDANCE WITH THE INDIVIDUALS WITH
24 DISABILITIES EDUCATION ACT AND APPLICABLE STATE LAW AND REGULATION[:

25 (i) Has been determined through appropriate procedures to be
26 disabled and in need of special education; or

27 (ii) Is believed to be disabled and in need of special education].

28 (3) "Educational decision making process" means all procedures relating
29 to the identification, evaluation, or educational placement of a child and the provision
30 of a free appropriate public education, including the appeal procedures provided for
31 by § 8-413 of this subtitle.

32 (4) "Local school superintendent" means the school system
33 superintendent or [any individual] THE ADMINISTRATIVE HEAD in charge of a
34 [system or program] PUBLIC AGENCY AS DEFINED IN PARAGRAPH (7) OF THIS
35 SUBSECTION that provides educational services to children.

36 (5) (i) "Parent" means:

1 (1) The child is a ward of the State; [or]

2 (2) THE CHILD IS AN UNACCOMPANIED HOMELESS CHILD; OR

3 [(2)] (3) (I) The parents of the child are unknown or unavailable; AND

4 (II) THE CHILD'S RIGHTS HAVE NOT BEEN TRANSFERRED IN
5 ACCORDANCE WITH § 8-412.1 OF THIS SUBTITLE.

6 (c) Any request to the local school superintendent for the appointment of a
7 parent surrogate under subsection (b) of this section shall include:

8 (1) The name, date of birth, sex, legal domicile, and present residence of
9 the child;

10 (2) A statement that the child is eligible for the appointment of a parent
11 surrogate in accordance with subsection (b) of this section;

12 (3) Documentation, as applicable, of the efforts made to identify the
13 parent if unknown or to locate the parent if unavailable; and

14 (4) The name and qualifications of the proposed parent surrogate whom
15 the public agency considers to be qualified to represent the child in the educational
16 decision making process.

17 (d) [(1)] The [public agency requesting the appointment of a parent
18 surrogate] LOCAL SCHOOL SUPERINTENDENT shall ensure that the person proposed
19 TO SERVE AS THE CHILD'S PARENT SURROGATE:

20 [(i)] (1) Has no interest that conflicts with the interests of the
21 child to be entrusted to that person; and

22 [(ii)] (2) Has knowledge and skills that ensure adequate
23 representation of the child.

24 [(2) A parent surrogate may not be an employee of a public agency
25 involved in the care and education of the child entrusted to that parent surrogate,
26 except that a foster parent may not be considered an employee of a public agency
27 under this section solely because the foster parent receives public funds for the care of
28 the child.]

29 (e) (1) [If a public agency files a request for the appointment of a parent
30 surrogate, the] THE local school superintendent shall appoint a parent surrogate NOT
31 MORE THAN 30 DAYS AFTER A DETERMINATION OF NEED, if [that] THE LOCAL
32 SCHOOL superintendent finds:

33 (i) The child is eligible for the appointment of a parent surrogate in
34 accordance with subsection (b) of this section; and

1 (ii) The proposed parent surrogate is qualified to represent the
2 child in the educational decision making process in accordance with subsection (d) of
3 this section.

4 (2) If the local school superintendent finds that the child is not eligible
5 for the appointment of a parent surrogate in accordance with subsection (b) of this
6 section, the local school superintendent shall notify the requesting [public agency]
7 INDIVIDUAL of this finding and specify the reasons in writing.

8 (3) If the local school superintendent finds that the proposed parent
9 surrogate is not qualified to represent the child in the educational decision making
10 process in accordance with subsection (d) of this section, the local school
11 superintendent may:

12 (i) Request [the] public agency PERSONNEL to propose THE
13 APPOINTMENT OF another parent surrogate who is qualified; or

14 (ii) Select and appoint a parent surrogate who is qualified.

15 [(4) The local school superintendent shall make a final selection or
16 rejection of a parent surrogate within 10 days after it receives a request which
17 includes appropriate eligibility documentation from a public agency.]

18 [(5) (4) (i) The local school superintendent shall notify[, in writing,]
19 the State Superintendent IN WRITING of the parent surrogate appointment.

20 (ii) The notice shall occur within 30 days after the day on which the
21 appointment is made.

22 (iii) The notification shall include the child's name, the name of the
23 parent surrogate, and any other information deemed applicable.

24 (f) (1) A child entrusted to a parent surrogate shall be represented by that
25 parent surrogate in the educational decision making process.

26 (2) A parent surrogate is not liable to the child entrusted to that parent
27 surrogate or to the parent of that child for any damages that result from acts or
28 omissions of that parent surrogate constituting ordinary negligence.

29 (3) This immunity does not apply to liability covered by any applicable
30 insurance, to the extent of that coverage, or to acts or omissions constituting gross,
31 willful, or wanton negligence.

32 (g) (1) [A public agency may request that the] THE local school
33 superintendent MAY terminate the appointment of a previously assigned parent
34 surrogate for good cause.

35 (2) When [a public agency requests that] the local school
36 superintendent [terminate] TERMINATES the appointment of the parent surrogate,
37 the [agency] LOCAL SCHOOL SUPERINTENDENT shall state the reasons for the action

1 and [submit the name and qualifications of another individual who is proposed to be
2 assigned as the new parent surrogate] NOTIFY THE STATE SUPERINTENDENT, IN
3 WRITING, OF THE TERMINATION OF A PREVIOUSLY APPOINTED PARENT SURROGATE.

4 (3) THE LOCAL SCHOOL SUPERINTENDENT SHALL SUBMIT THE NAME
5 AND QUALIFICATIONS OF ANOTHER INDIVIDUAL WHO IS ASSIGNED AS THE NEW
6 PARENT SURROGATE IF THE CHILD CONTINUES TO REQUIRE A PARENT SURROGATE
7 IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.

8 (h) The State Board shall adopt rules and regulations in accordance with the
9 Administrative Procedure Act on the qualifications, selection, appointment, training,
10 compensation, removal, and replacement necessary to implement this section.

11 8-413.

12 (a) (1) In this section the following words have the meanings indicated.

13 (2) "Administrative law judge" means an individual serving in the role of
14 an impartial hearing officer as required under the federal Individuals with
15 Disabilities Education Act.

16 (3) "DUE PROCESS COMPLAINT" MEANS A WRITTEN REQUEST FOR A DUE
17 PROCESS HEARING FILED BY THE PARENT OF A CHILD WITH A DISABILITY, AS
18 DEFINED IN § 8-412 OF THIS SUBTITLE, OR A PUBLIC AGENCY, TO RESOLVE A
19 DISPUTE OVER THE IDENTIFICATION, EVALUATION, EDUCATIONAL PLACEMENT, OR
20 THE PROVISION OF FREE APPROPRIATE PUBLIC EDUCATION, IN ACCORDANCE WITH
21 FEDERAL LAW.

22 [(3)] (4) "Federal law" means the Individuals with Disabilities
23 Education Act and regulations adopted under that Act.

24 (5) "PARENT" MEANS:

25 (I) A CHILD'S NATURAL PARENTS, ADOPTIVE PARENTS, A
26 GUARDIAN, A PERSON ACTING AS A PARENT OF A CHILD, SUCH AS A RELATIVE, A
27 STEPPARENT, OR A FOSTER PARENT WITH WHOM THE CHILD LIVES;

28 (II) ANOTHER INDIVIDUAL WHO IS LEGALLY RESPONSIBLE FOR
29 THE CHILD'S WELFARE; OR

30 (III) A PARENT SURROGATE APPOINTED IN ACCORDANCE WITH §
31 8-412 OF THIS SUBTITLE.

32 [(4)] (6) "Public agency" means the State Department of Education, a
33 local school system, or any State agency responsible for providing education to
34 students with disabilities, including the Maryland School for the Blind and the
35 Maryland School for the Deaf.

1 (7) "RESOLUTION SESSION" MEANS A PRELIMINARY MEETING THE
2 PUBLIC AGENCY SHALL CONVENE WITH THE CHILD'S PARENT IN ACCORDANCE WITH
3 FEDERAL LAW.

4 (b) (1) THE PARENT OF A CHILD WITH A DISABILITY OR A PUBLIC AGENCY
5 MAY FORMALLY REQUEST MEDIATION AT ANY TIME TO RESOLVE ANY
6 DISAGREEMENT BETWEEN THE PARTIES REGARDING THE CHILD'S SPECIAL
7 EDUCATION SERVICES OR PROGRAM.

8 [(1)] (2) If a parent [seeks review of the decision of] FILES A DUE
9 PROCESS COMPLAINT AGAINST a public agency concerning the identification,
10 evaluation, or educational placement of a student or the provision of a free
11 appropriate public education, any party shall be given the opportunity to request
12 mediation of those aspects of the decision subject to dispute.

13 [(2)] (3) The request for mediation may not be used to deny or delay the
14 parent's rights under federal law or this section.

15 [(3)] (4) Any party to the mediation has the right to be accompanied and
16 advised by counsel.

17 (5) MEDIATION SHALL BE CONDUCTED IN ACCORDANCE WITH
18 DEPARTMENTAL REGULATIONS.

19 (6) A MEDIATION AGREEMENT SHALL BE IN WRITING AND IS
20 ENFORCEABLE IN A COURT OF COMPETENT JURISDICTION IN ACCORDANCE WITH
21 FEDERAL LAW.

22 (C) (1) BEFORE A DUE PROCESS HEARING AS DESCRIBED IN SUBSECTION
23 (D) OF THIS SECTION, THE PUBLIC AGENCY SHALL PROVIDE THE PARENT WITH AN
24 OPPORTUNITY TO RESOLVE THE DUE PROCESS COMPLAINT AT A RESOLUTION
25 SESSION IN ACCORDANCE WITH FEDERAL LAW.

26 (2) A RESOLUTION SESSION AGREEMENT SHALL BE IN WRITING AND
27 ENFORCEABLE IN A COURT OF COMPETENT JURISDICTION IN ACCORDANCE WITH
28 FEDERAL LAW.

29 (3) A WRITTEN RESOLUTION AGREEMENT MAY BE VOIDED BY THE
30 PARTIES WITHIN 3 BUSINESS DAYS OF EXECUTION IN ACCORDANCE WITH FEDERAL
31 LAW.

32 [(c)] (D) (1) A parent [or guardian] of a [student] CHILD with disabilities
33 [or the public agency may make] SHALL FILE a [written request to] DUE PROCESS
34 COMPLAINT WITH the Office of Administrative Hearings [for a review of the
35 identification, evaluation, or educational placement of the child or the provision of a
36 free appropriate education for the child] AND THE PUBLIC AGENCY.

37 (2) A PUBLIC AGENCY SHALL FILE A DUE PROCESS COMPLAINT WITH
38 THE OFFICE OF ADMINISTRATIVE HEARINGS AND THE PARENT.

1 (3) UNLESS A PARENT WAS PREVENTED FROM REQUESTING A DUE
2 PROCESS HEARING DUE TO CONDITIONS SET FORTH IN FEDERAL LAW, THE
3 COMPLAINING PARTY SHALL FILE A DUE PROCESS COMPLAINT WITHIN 2 YEARS OF
4 THE DATE THE PARTY KNEW OR SHOULD HAVE KNOWN ABOUT THE ACTION THAT
5 FORMS THE BASIS OF THE DUE PROCESS COMPLAINT.

6 [(2)] (4) In order to conduct a hearing, the Office of Administrative
7 Hearings shall appoint an [impartial] administrative law judge who:

8 (i) Is an administrative law judge in the Office of Administrative
9 Hearings; AND

10 [(ii)] Has received and continues to receive specialized training in
11 matters significant to the educational review of students with disabilities; and

12 [(iii)] Has no interest that would conflict with the administrative law
13 judge's objectivity in the review.

14 (3) The Office of Administrative Hearings shall inform the parent of any
15 free or low cost legal and other relevant services available upon request or whenever
16 a hearing is initiated under this section.]

17 (II) MEETS THE REQUIREMENTS OF A DUE PROCESS HEARING
18 OFFICER IN ACCORDANCE WITH FEDERAL LAW.

19 [(4)] (5) Unless the parent and the public agency otherwise agree,
20 during the course of any administrative or judicial proceeding, the [student] CHILD
21 must remain in the last approved placement IN ACCORDANCE WITH FEDERAL LAW.

22 [(5)] (6) If the hearing concerns the initial admission of a child into a
23 public school, the [student] CHILD with the consent of the parent must be placed in
24 the public school program until the proceedings have been completed.

25 [(d)] (E) (1) The administrative law judge appointed under subsection [(c)]
26 (D) of this section shall conduct the hearing in accordance with federal law, Title 10 of
27 the State Government Article, and the Office of Administrative Hearings Rules of
28 Administrative Procedure, and may:

29 (i) After review of the educational records of the child, dismiss any
30 request for review which does not relate to a matter described in subsection [(c)(1)]
31 (D)(1) of this section;

32 (ii) Require the parties to attend a prehearing conference prior to
33 the due process hearing;

34 (iii) Hear any testimony that it considers relevant;

35 (iv) Require an independent evaluation or call an impartial expert
36 witness in the diagnosis or education of students with disabilities whose testimony

1 shall be on the record and whose costs shall be paid by the State Education Agency;
2 and

3 (v) Administer oaths to witnesses at the hearing on request of a
4 party.

5 (2) The provisions of the Family Educational Rights and Privacy Act and
6 34 C.F.R. Part 99 shall apply to school records sought by the impartial expert witness.

7 (3) If the parties cannot agree on an impartial expert witness, each party
8 shall be given the opportunity to submit a list of possible experts, and the
9 administrative law judge shall decide which impartial expert witness to call.

10 [(e)] (F) (1) Any party to the hearing has the right to:

11 (i) Be accompanied and be advised by counsel and individuals with
12 special knowledge or training with respect to the problems of children with
13 disabilities;

14 (ii) Present evidence and confront, cross-examine, and compel the
15 attendance of witnesses;

16 (iii) Prohibit the introduction of any evidence at the hearing which
17 has not been disclosed to all parties at least 5 days before the hearing;

18 (iv) Obtain a written or electronic verbatim record of the hearing;
19 and

20 (v) Obtain written findings of fact and decisions.

21 (2) Parents involved in the hearings must be given the right to:

22 (i) Have the child who is the subject of the hearing present; and

23 (ii) Open the hearing to the public.

24 (G) (1) THE DECISION OF THE ADMINISTRATIVE LAW JUDGE SHALL BE
25 MADE ON SUBSTANTIVE GROUNDS BASED ON THE DETERMINATION OF WHETHER
26 THE CHILD RECEIVED A FREE APPROPRIATE PUBLIC EDUCATION.

27 (2) IN MATTERS ALLEGING A PROCEDURAL VIOLATION, AN
28 ADMINISTRATIVE LAW JUDGE MAY FIND THAT THE CHILD DID NOT RECEIVE A FREE
29 APPROPRIATE PUBLIC EDUCATION ONLY IF THE PROCEDURAL INADEQUACIES MEET
30 THE CONDITIONS ESTABLISHED IN FEDERAL LAW.

31 [(f)] (H) The hearing shall be held and a written decision shall be issued
32 within [45 calendar days from the request for the hearing] THE TIME PERIODS
33 ESTABLISHED BY FEDERAL LAW. The administrative law judge may grant a specific
34 extension of time [not to exceed 60 calendar days for good cause shown] AT THE
35 REQUEST OF EITHER PARTY.

1 [(g)] (I) If, at the time of the [hearing request] DUE PROCESS COMPLAINT,
 2 the [student] CHILD who is the subject of the hearing is not enrolled and attending
 3 an APPROVED educational program OR, IF THE DUE PROCESS COMPLAINT IS OVER
 4 THE PLACEMENT OR MANIFESTATION DETERMINATION OF A CHILD, DUE TO A
 5 VIOLATION OF THE RULES OF CONDUCT, an expedited hearing [schedule shall apply.
 6 In these cases, the hearing shall be held within 20 calendar days and a written
 7 decision shall be issued within 15 calendar days of the hearing] SHALL OCCUR
 8 WITHIN 20 SCHOOL DAYS OF THE DATE THE HEARING IS REQUESTED AND SHALL
 9 RESULT IN A DECISION WITHIN 10 SCHOOL DAYS OF THE HEARING.

10 [(h)] (J) [Within 180 calendar days of the issuance of the hearing decision,
 11 any] ANY party to the hearing may [file an] appeal [from] a final [review] decision
 12 of the Office of Administrative Hearings to the federal District Court for Maryland IN
 13 ACCORDANCE WITH FEDERAL LAW or to the circuit court for the county in which the
 14 [student] CHILD resides.

15 [(i)] (K) (1) [If a local school system has] A PUBLIC AGENCY IS NOT
 16 REQUIRED TO PAY FOR THE COST OF EDUCATION, INCLUDING SPECIAL EDUCATION
 17 AND RELATED SERVICES, FOR A CHILD WITH A DISABILITY AT A PRIVATE OR
 18 NONPUBLIC SCHOOL IF THE PUBLIC AGENCY made a free appropriate public
 19 education available to [a] THE child [with a disability] and the parent of the child
 20 [chooses] ELECTED to place the child in [a nonpublic school, the local school system
 21 is not required to pay for the child's education at the nonpublic school] SUCH A
 22 SCHOOL OR FACILITY.

23 [(2) Before removing a child from the local school system, a parent of the
 24 child shall notify the local school system of the parent's:

25 (i) Decision to reject the local school system's proposed placement;

26 (ii) Concerns leading to the decision to remove the child from the
 27 local school system; and

28 (iii) Intention to enroll the child in a nonpublic school at public
 29 expense.

30 (3) The parent shall provide notice by:

31 (i) Informing the individualized education program team at the
 32 most recent meeting the parent attended before the removal of the child; or

33 (ii) Providing the local school system with written notice at least 10
 34 business days, including holidays that occur on business days, before the removal of
 35 the child.]

36 [(4)] (2) If the parent [decides to enroll the] OF A CHILD WITH A
 37 DISABILITY, WHO PREVIOUSLY RECEIVED SPECIAL EDUCATION AND RELATED
 38 SERVICES UNDER THE AUTHORITY OF A PUBLIC AGENCY, ENROLLS THE child in a
 39 nonpublic school OR FACILITY without the consent of or referral by the [local school
 40 system] PUBLIC AGENCY, an [impartial hearing officer] ADMINISTRATIVE LAW

1 JUDGE or a court may require the [local school system] PUBLIC AGENCY to reimburse
2 the parent for the costs of the placement ENROLLMENT if[:

3 (i) The child had previously received special education and related
4 services under the authority of the local school system; and

5 (ii) An impartial hearing officer] THE ADMINISTRATIVE LAW
6 JUDGE or court determines that the [local school system] PUBLIC AGENCY had not
7 made a free appropriate public education available to the child in a timely manner
8 [before the parent enrolled the child in the nonpublic school] PRIOR TO THAT
9 ENROLLMENT.

10 [(5)] (3) Reimbursement may be reduced or denied by the [impartial
11 hearing officer] ADMINISTRATIVE LAW JUDGE or court [if the:

12 (i) Parent failed to notify the local school system of the decision as
13 required under paragraph (3) of this subsection;

14 (ii) Parent's actions were unreasonable; or

15 (iii) Parent failed to make the child available for evaluation before
16 the child's removal and after the local school system provided the parent with written
17 notice of its intention to evaluate the child, including an appropriate and reasonable
18 statement of the purpose of the evaluation] IN ACCORDANCE WITH FEDERAL LAW.

19 [(6) An impartial hearing officer or court may not reduce or deny
20 reimbursement for failure to provide notice as required under paragraph (3) of this
21 subsection if:

22 (i) The parent is illiterate and cannot write in English;

23 (ii) Providing notice would likely result in physical or serious
24 emotional harm to the child;

25 (iii) The local school system prevented the parent from providing
26 notice; or

27 (iv) The parent was not provided with a copy of the procedural
28 safeguards notice in accordance with COMAR 13A.05.01.11A, including the
29 requirements of this subsection.

30 (7) Disagreements between a parent and a local school system regarding
31 the availability of a free appropriate public education and the question of financial
32 responsibility are subject to the provisions of subsections (c) through (h) of this section
33 and COMAR 13A.05.01.15C.]

34 8-416.

35 (a) (1) There is a Maryland Infants and Toddlers Program in the
36 Department.

1 (2) The purpose of the Program is to provide a statewide,
2 community-based interagency system of comprehensive early intervention services to
3 eligible infants and toddlers, birth through age 2, and their families.

4 (c) The Program shall include the early intervention services provided or
5 supervised by the Department and the [State Departments] DEPARTMENT of Health
6 and Mental Hygiene including the Program for Hearing-Impaired Infants established
7 under Title 13, Subtitle 6 of the Health - General Article and THE DEPARTMENT OF
8 Human Resources[, and the Office for Children, Youth, and Families].

9 8-417.

10 (b) (1) The Department of Education, as the fiscal agent of the [Subcabinet
11 Fund for Children, Youth, and Families under Article 49D of the Code] CHILDREN'S
12 CABINET INTERAGENCY FUND, shall administer and implement a redesigned rate
13 setting process for nonpublic general education schools, residential child care
14 programs, and nonresidential child care programs.

15 (2) The Department of Human Resources, the Department of Juvenile
16 Services, the Department of Budget and Management, the Office for Children, Youth,
17 and Families, and the Department of Health and Mental Hygiene, AND THE
18 GOVERNOR'S OFFICE FOR CHILDREN shall participate with the Department of
19 Education in the development and implementation of rates in programs licensed or
20 approved by those agencies to the extent required by federal and State law.

21 (c) (1) A decision as to the amount or implementation of rates established
22 under this section may be appealed by sending a written request for appeal to the
23 [Subcabinet] THE CHILDREN'S CABINET.

24 (2) The request shall set forth the specific objections to the decision as to
25 the amount or implementation of rates established under this section.

26 (3) The [Subcabinet or the Subcabinet's] CHILDREN'S CABINET OR
27 designees shall issue a final, binding opinion upholding, reversing, or modifying the
28 rates set by the Interagency Rates Committee within 30 days after receipt of the
29 request for appeal.

30 SECTION 2. AND BE IT FURTHER ENACTED, That all laws or parts of
31 laws, public general or public local, inconsistent with this Act, are repealed to the
32 extent of the inconsistency.

33 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
34 effect July 1, 2006.