

**Department of Legislative Services**  
Maryland General Assembly  
2006 Session

**FISCAL AND POLICY NOTE**

Senate Bill 107 (Chair, Education, Health, and Environmental Affairs Committee)  
(By Request – Departmental – Education)

Education, Health, and Environmental Affairs

Ways and Means

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**Education - Special Programs for Exceptional Children**

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This departmental bill updates and clarifies laws relating to educational services for children with disabilities.

The bill takes effect July 1, 2006.

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**Fiscal Summary**

**State Effect:** Federal fund revenues from the Individuals with Disabilities Education Act (IDEA) would be jeopardized beginning in FY 2007 if the bill is not passed. The FY 2007 State budget includes approximately \$203 million in federal IDEA funds. Expenditures would not be affected.

**Local Effect:** Federal IDEA funds that pass through the State budget to local school systems, nearly \$200 million annually, would be jeopardized if the bill is not passed. Local school system expenditures would not be affected.

**Small Business Effect:** The Maryland State Department of Education (MSDE) has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

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## Analysis

### **Bill Summary:** The bill:

- clarifies that surgically implanted medical devices are not included in the services that must be provided to children with disabilities;
- adds unaccompanied homeless children to the children for whom parent surrogates must be appointed to represent them in the educational decision making process;
- requires local superintendents of schools to ensure that qualified parent surrogates are appointed for children with disabilities when they are needed;
- requires local superintendents of schools to notify the State Superintendent of Schools in writing of the termination of previously appointed parent surrogates and to submit the names and qualifications of new parent surrogates;
- establishes a process for resolution sessions that can be used to settle disputes about the identification, evaluation, or educational placements of children with disabilities; and
- makes other nonsubstantive clarifying changes to laws relating to children with disabilities.

**Current Law:** As required by IDEA, a child with a disability must be offered a free and appropriate public education.

**Background:** IDEA was reauthorized in 2004 with provisions of the Act taking effect July 1, 2005. MSDE advises that Maryland was granted conditional approval for the receipt of fiscal 2006 federal IDEA funding by providing assurances to the U.S. Department of Education that changes would be made to State law to bring Maryland into compliance with the reauthorized version of IDEA as soon as possible, but no later than July 1, 2006. This bill would execute the necessary changes.

**State and Local Fiscal Effect:** The proposed fiscal 2007 State budget includes approximately \$6.3 million in federal IDEA funds for MSDE and \$196.6 million in IDEA funds for local school systems. This funding would be jeopardized if the bill does not pass.

The bill would have no significant impact on the operations of MSDE or local school systems.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland State Department of Education, Department of Legislative Services

**Fiscal Note History:** First Reader - February 1, 2006  
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Analysis by: Mark W. Collins

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510