

Chapter 144

(House Bill 1391)

AN ACT concerning

Public School Construction Program – Maryland School for the Blind

FOR the purpose of making the Maryland School for the Blind eligible for certain school construction funding under the Public School Construction Program for certain fiscal years, notwithstanding a certain provision of law and subject to certain regulations; requiring the Board of Public Works to adopt certain regulations; prohibiting the amount of funds allocated to the Maryland School for the Blind from being used in determining the total amount of funds allocated for certain projects in Baltimore City and Baltimore County; specifying that this Act may not preclude the Maryland School for the Blind from receiving and using certain funds allocated to it in the State's capital budget; and generally relating to including the Maryland School for the Blind in the Public School Construction Program.

BY adding to

Article – Education

Section 8–319

Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)

Preamble

WHEREAS, The Maryland School for the Blind is a body corporate of the State, the charter of which was established on May 19, 1853, and is governed in accordance with § 8–314 of the Education Article; and

WHEREAS, The mission of the Maryland School for the Blind is to serve Maryland's blind and visually handicapped students; and

WHEREAS, The Maryland School for the Blind serves 73% of Maryland's 1,800 children who are blind and visually impaired through its on-campus and statewide outreach programs; and

WHEREAS, The Maryland School for the Blind provides outreach services to 1,100 blind and visually impaired students, families, and local school professionals in each of Maryland's 24 jurisdictions; and

WHEREAS, Approximately 200 students attend school on the Maryland School for the Blind's campus located in northeastern Baltimore City; of those, half are day

students while the remaining, due to geographic distance or level of disability and need, spend 5 nights a week as residential students; and

WHEREAS, Every student enrolled at the Maryland School for the Blind has an individualized education program (IEP) and is placed by his or her local school system with parental consent in compliance with the Individuals with Disabilities Education Act, after determination is made that the Maryland School for the Blind is the “least restrictive environment” and is an appropriate setting where the student’s IEP needs can be met; and

WHEREAS, There are students served on-campus with multiple disabilities, such as autism and blindness, who require a different education setting to be able to meet their IEP requirements; and

WHEREAS, The average cost per student served at the Maryland School for the Blind ranges from \$125,000 to \$175,000 depending on the amount of special education and related services the student requires; and

WHEREAS, If the Maryland School for the Blind were not providing these highly specialized services to Maryland students, many “low functioning high need” students would need to be placed in out-of-state programs at costs ranging from \$350,000 to \$550,000 per student, annually; and

WHEREAS, Many of the buildings on the Maryland School for the Blind campus were constructed prior to the Individuals with Disabilities Education Act and were not designed for students with multiple disabilities and have very narrow doorways, inaccessible bathrooms, and no specialized equipment to assist in lifting or moving wheelchair-dependent students; now, therefore,

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

Article – Education

8–319.

(A) NOTWITHSTANDING § 4–114 OF THIS ARTICLE AND SUBJECT TO REGULATIONS ADOPTED BY THE BOARD OF PUBLIC WORKS, FOR FISCAL YEARS 2013 THROUGH 2028, THE MARYLAND SCHOOL FOR THE BLIND SHALL BE ELIGIBLE FOR FUNDING UNDER THE PUBLIC SCHOOL CONSTRUCTION PROGRAM IN ACCORDANCE WITH TITLE 5, SUBTITLE 3 OF THIS ARTICLE.

(B) THE BOARD OF PUBLIC WORKS SHALL ADOPT REGULATIONS FOR FUNDING SCHOOL CONSTRUCTION AND SCHOOL CAPITAL IMPROVEMENTS AT THE MARYLAND SCHOOL FOR THE BLIND IN ACCORDANCE WITH THE

REQUIREMENTS SET FORTH IN TITLE 5, SUBTITLE 3 OF THIS ARTICLE THAT APPLY TO SCHOOL CONSTRUCTION AND SCHOOL CAPITAL IMPROVEMENT PROJECTS FUNDED FOR COUNTY BOARDS OF EDUCATION.

SECTION 2. AND BE IT FURTHER ENACTED, That the amount of funds allocated to the Maryland School for the Blind under this Act may not be used in determining the total amount of funds allocated for public school construction or public school capital improvements in Baltimore City and Baltimore County.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not be construed to preclude the Maryland School for the Blind from receiving and using other funds allocated to the school in the State's capital budget.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2012.

Approved by the Governor, April 10, 2012.