

HOUSE BILL 469

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EMERGENCY BILL

3lr1506

By: **Delegates Guyton, Bagnall, Kaufman, and Ruth**

Introduced and read first time: January 30, 2023

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Children With Disabilities – Special Education Services – Eligibility**

3 FOR the purpose of extending the eligibility for a child with a disability to receive special
4 education and related services through a certain year of school; and generally
5 relating to the age of eligibility for special education and related services.

6 BY repealing and reenacting, with amendments,
7 Article – Education
8 Section 8–403 and 8–404
9 Annotated Code of Maryland
10 (2022 Replacement Volume)

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

13 **Article – Education**

14 8–403.

15 (a) The State and each local school system shall make a free appropriate public
16 education available to each child with a disability, as provided by this subtitle.

17 (b) Appropriate special education and related services are available to a child
18 with a disability from birth through the [end] **LATER OF:**

19 (1) **THE END** of the school year in which the child turns 21 years [of age]
20 **OLD; OR**

21 (2) **THE END OF THE CHILD’S 16TH YEAR OF SCHOOL.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 8-404.

2 (a) The State Board shall adopt, as regulations, standards for the identification,
3 evaluation, educational placement, and the provision of a free appropriate public education
4 of each child in this State who has begun the school year under the age of 21 **OR IS 21**
5 **YEARS OLD AND HAS COMPLETED 15 OR FEWER YEARS OF PRIMARY AND**
6 **SECONDARY EDUCATION** and is found to need special education and related services,
7 whether or not the child is receiving nonduplicative services from another governmental
8 agency.

9 (b) Before these standards are adopted, the State Board shall consult with public
10 and private agencies and persons who are concerned with and knowledgeable about the
11 educational needs of children with disabilities who require special education and related
12 services.

13 (c) The standards for the education of a child with a disability who is enrolled in
14 a school that is operated by an agency other than a local school system may not be lower
15 than the standards for the education of a child with a disability who is enrolled in a school
16 that is operated by a local school system. The standards for the approval of schools located
17 in jurisdictions outside Maryland shall be the same as standards applicable to the approval
18 of schools within Maryland. However, no school located in a jurisdiction outside Maryland
19 shall be approved if the charges for pupils approved by the Department are higher than
20 charges for pupils from any other state for the same services, unless waived by the State
21 Superintendent.

22 (d) The standards shall include:

23 (1) The required qualifications for teachers, administrators, and other
24 professionals serving a child with a disability;

25 (2) Procedures for the identification, evaluation, educational placement,
26 and provision of a free appropriate public education for a child with a disability who
27 requires the provision of special education and related services;

28 (3) Guidelines for curricula, instructional materials, equipment, and the
29 organization, administration, and supervision of the program, including accounting,
30 auditing, and reporting procedures;

31 (4) Provisions for local, regional, and State day and residential centers for
32 children with disabilities who cannot be served appropriately in the public schools;

33 (5) Coordination of these special education services with services given by
34 any other government agency; and

35 (6) Guidelines for approval of placement in nonpublic schools or facilities if
36 appropriate public services are not available.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
2 measure, is necessary for the immediate preservation of the public health or safety, has
3 been passed by a yea and nay vote supported by three-fifths of all the members elected to
4 each of the two Houses of the General Assembly, and shall take effect from the date it is
5 enacted.