

Approved May 21, 1973.

CHAPTER 359

(Senate Bill 649)

AN ACT to add new Sections 106A and 106B to Article 77 of the Annotated Code of Maryland (1969 Replacement Volume [and 1972 Supplement]), title "Public Education," to be under the new subtitle "Chapter 7A. Special Educational Services," to follow immediately after Section 106 of said Article and title, subtitle "Chapter 7. Handicapped Children," [to repeal Sections 99, 100, 101 and 102 of said Article] [I, title, and subtitle] [effective July 1, 1975,] of the Code (1969 Replacement Volume and 1972 Supplement), subtitle, "Chapter 7. Handicapped Children," to provide for a comprehensive program of special educational services for handicapped children, including those who are severely handicapped, in the State, to require the State Board of Education to promulgate by-laws for the identification, diagnosis, examination and education of children in need of special educational services, to define "special educational services," to provide guidelines for such by-laws, to require local Boards of Education to develop plans for the provision of special educational services in accordance with State by-laws, to provide for review and approval of such plans by the State Superintendent of Schools and State Board of Education, to empower the said Superintendent and Board to develop such plans under certain circumstances, to require local boards of education to implement approved plans, to provide for the effect of this Act on certain existing programs of special education [to provide for State and local contributions to the funding of such plans,] and generally relating to the provision of special educational services by the State and local governments.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That new Sections 106A and 106B be and they are hereby added to Article 77 of the Annotated Code of Maryland (1969 Replacement Volume [and 1972 Supplement]), title "Public Education," to be under the new subtitle "Chapter 7A. Special Educational Services," to follow immediately after Section 106 of said Article and title, subtitle "Chapter 7. Handicapped Children," and to read as follows:

CHAPTER 7A. SPECIAL EDUCATIONAL SERVICES.

106A. [DUTIES OF EDUCATION AGENCIES.]

(A) THE STATE AND ITS SEVERAL COUNTIES SHALL MAKE AVAILABLE FREE EDUCATIONAL PROGRAMS FOR ALL HANDICAPPED CHILDREN, INCLUDING THOSE CHILDREN WHO ARE SEVERELY HANDICAPPED, [LIVING WITHIN THE BOUNDARIES OF THEIR SCHOOL SYSTEMS,] IN ACCORDANCE WITH THIS [SUBTITLE] SECTION. THE STATE BOARD OF EDUCATION SHALL, IN THE FORM OF BY-LAWS, PROMULGATED ON OR BEFORE JULY 1, 1974, ADOPT STANDARDS FOR THE IDENTIFICATION, DIAGNOSIS, EXAMINATION, AND EDUCATION OF ALL CHILDREN IN THIS STATE THROUGH AGE 20 WHO ARE FOUND TO BE IN NEED OF SPECIAL EDUCATIONAL SERVICES, WHETHER OR NOT SUCH CHILDREN ARE RECEIVING NON-DUPLICATIVE SERVICES FROM OTHER GOVERNMENTAL AGENCIES. SAID