

State and local level for due process involving the education of handicapped children; establishing certain qualifications for a person serving as a hearing officer or on a hearing board; and generally relating to due process procedures for education of handicapped children.

BY repealing and reenacting, with amendments,

Article 77 - Public Education

Section 100A

Annotated Code of Maryland

(1975 Replacement Volume and 1976 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section 100A of Article 77 - Public Education, of the Annotated Code of Maryland (1975 Replacement Volume and 1976 Supplement) be and it is hereby repealed and reenacted, with amendments, to read as follows:

Article 77 - Public Education

100A.

(A) "LOCAL BOARD OF EDUCATION", AS USED IN THIS SECTION, INCLUDES THE BOARD OF SCHOOL COMMISSIONERS OF BALTIMORE CITY.

(B) AFTER A PLACEMENT DECISION BY THE ICCAI BOARD OF EDUCATION FOR A CHILD WHO IS MENTALLY, PHYSICALLY OR EMOTIONALLY HANDICAPPED HAS BEEN RENDERED, THE PARENT OR GUARDIAN OF THE HANDICAPPED CHILD MAY REQUEST IN WRITING TO THE LOCAL BOARD OF EDUCATION A REVIEW OF THE PLACEMENT DECISION. WITHIN 45 60 DAYS OF RECEIPT OF THIS REQUEST FOR A REVIEW, THE LOCAL BOARD OF EDUCATION SHALL APPOINT A HEARING OFFICER OR BOARD OF PERSONS KNOWLEDGEABLE IN THE FIELDS AND AREAS SIGNIFICANT TO THE EDUCATIONAL REVIEW OF THE HANDICAPPED CHILD TO HEAR AND RENDER A DECISION. WITHIN THE SAME 45 60-DAY PERIOD, THE HEARING OFFICER OR BOARD OF PERSONS SHALL REVIEW THE PLACEMENT AND RENDER ITS DECISION. THE HEARING OFFICER OR MEMBERS OF THE HEARING BOARD MAY NOT BE EMPLOYEES OF THE LOCAL BOARD OF EDUCATION WHICH HAS DIRECT RESPONSIBILITY FOR THE EDUCATION OR CARE OF THE CHILD OR ANY PERSON HAVING AN INTEREST WHICH WOULD CONFLICT WITH HIS OR HER OBJECTIVITY IN THE HEARING.

~~(a)~~ (C) After exhaustion of all locally available administrative remedies and procedures, a parent or guardian of a mentally, physically or emotionally handicapped child or the board of education responsible for providing special education for such a child, with good cause, may request in writing to the State Board of Education, a review of (1) diagnosis, (2) evaluation of educational programs provided for the child by the local or regional board of education, or (3) the