

Present Art. 77, §106D-1(2) and (3) is deleted in light of the definitions of "county board" and "State Board" in §1-101 of this article.

The only other changes are in style.

The Administrative Procedure Act appears as Art. 41, §§ 244 through 256 of the Code.

8-415. REVIEW OF PLACEMENT DECISION OF A HANDICAPPED CHILD.

(A) REVIEW AT COUNTY LEVEL.

(1) IF A COUNTY BOARD MAKES A PLACEMENT DECISION FOR A HANDICAPPED CHILD, THE PARENT OR GUARDIAN OF THE HANDICAPPED CHILD MAY MAKE A WRITTEN REQUEST TO THE COUNTY BOARD FOR A REVIEW OF THE PLACEMENT DECISION.

(2) WITHIN 60 DAYS AFTER IT RECEIVES A REQUEST FOR REVIEW, THE COUNTY BOARD SHALL APPOINT A HEARING OFFICER OR A HEARING BOARD THAT CONSISTS OF INDIVIDUALS WHO ARE KNOWLEDGEABLE IN THE FIELDS AND AREAS SIGNIFICANT TO THE EDUCATIONAL REVIEW OF THE HANDICAPPED CHILD, TO HEAR THE CASE AND MAKE A DECISION.

(3) AN INDIVIDUAL MAY NOT SERVE AS THE HEARING OFFICER OR A BOARD MEMBER IF HE:

(I) IS AN EMPLOYEE OF THE COUNTY BOARD THAT IS RESPONSIBLE FOR THE EDUCATION OR CARE OF THE HANDICAPPED CHILD; OR

(II) HAS AN INTEREST THAT WOULD CONFLICT WITH HIS OBJECTIVITY IN THE HEARING.

(4) WITHIN THIS SAME 60-DAY PERIOD, THE HEARING OFFICER OR THE HEARING BOARD SHALL REVIEW THE PLACEMENT AND MAKE A DECISION.

(B) REVIEW AT STATE LEVEL.

(1) AFTER EXHAUSTING ALL LOCALLY AVAILABLE ADMINISTRATIVE REMEDIES AND PROCEDURES, A PARENT OR GUARDIAN OF A HANDICAPPED CHILD OR THE COUNTY BOARD THAT IS RESPONSIBLE FOR PROVIDING SPECIAL EDUCATIONAL SERVICES FOR THE CHILD, WITH GOOD CAUSE, MAY MAKE A WRITTEN REQUEST TO THE STATE BOARD FOR A REVIEW OF:

(I) DIAGNOSIS;

(II) EVALUATION OF EDUCATIONAL PROGRAMS PROVIDED FOR THE CHILD BY THE COUNTY BOARD; OR

(III) THE EXCLUSION OR EXEMPTION OF THE CHILD FROM SCHOOL PRIVILEGES BY THE COUNTY BOARD.

(2) WITHIN 60 DAYS AFTER IT RECEIVES A REQUEST FOR REVIEW, THE STATE BOARD SHALL APPOINT A HEARING BOARD OF