

of certain appeals; and generally relating to appeals from certain decisions on the placement of handicapped children.

BY repealing and reenacting, with amendments,

Article - Education
Section 8-415
Annotated Code of Maryland
(1985 Replacement Volume and 1987 Supplement)

Preamble

WHEREAS, Under the provisions of federal law, appeals to federal courts from decisions of the State Hearing Board regarding the placement of handicapped children must be taken within a period of time provided by State law for analogous causes of action if that period is consistent with the purposes of the Federal Education for Handicapped Children Act; and

WHEREAS, It is the intention of the General Assembly of Maryland to provide for a time for appeal of such decisions to State courts that is appropriate for such cases, that is consistent with the purposes of the federal act, and that, under the provisions of federal law, will govern appeals of such decisions to federal courts; now, therefore,

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

Article - Education

8-415.

(a) (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 identification, evaluation, or educational placement of the child or the provision of a free appropriate public education for the child.

(2) Within 45 days after it receives a request for review, the county board, pursuant to the provisions of paragraphs (3) and (4), shall appoint:

(i) A hearing officer, knowledgeable in the fields and areas significant to the educational review of the handicapped child, to hear the case and make a decision; or

(ii) A hearing board consisting of individuals who meet the qualifications of subparagraph (i).