

the educational placement of students with disabilities; eliminating the initial local level tier of review; authorizing an appeal of a decision of the Office of Administrative Hearings; defining certain terms; and generally relating to the review of educational placements of students with disabilities.

BY repealing and reenacting, with amendments,

Article - Education

Section 8-415

Annotated Code of Maryland

(1992 Replacement Volume and 1995 Supplement)

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 student with disabilities, the parent or guardian of the student with disabilities 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 student with disabilities, to hear the case and make a decision; or

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

(3) The county board shall maintain a list of at least 10 hearing officers who:

(i) May be selected from the list of State-approved hearing officers under subsection (b)(2) of this section; and

(ii) Shall have a general knowledge of the law relating to the placement of students with disabilities.

(4) Unless otherwise agreed by both parties, the hearing officer or panel members shall be chosen in rotating alphabetical sequence from those officers on the list maintained by the county board who satisfy the requirements of paragraph (2).

(5) An individual may not serve as the hearing officer or a board member if he:

(i) Is an employee of the State Board or any county board; or

(ii) Has an interest that would conflict with his objectivity in the hearing.