

Annotated Code of Maryland

(1989 Replacement Volume and 1990 Supplement)

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

Article - Education

8-414.

(a) (1) In this section the following words have the meanings indicated.

(2) "Child" means an individual under the age of 21 who:

(i) Has been determined through appropriate procedures to be handicapped and in need of special education; or

(ii) Is believed to be handicapped and in need of special education.

(3) "Educational decision making process" means all procedures relating to the identification, evaluation, or educational placement of a child and the provision of a free appropriate public education, including the appeal procedures provided for by § 8-415 of this article.

(4) "Parent" means:

(i) A child's natural parents;

(ii) A guardian;

(iii) A person acting as a parent of a child such as a relative or a stepparent with whom a child lives including those relatives or stepparents who are the foster parents; or

(iv) Any other individual who is legally responsible for a child's welfare.

Parent does not include a social worker or a foster parent, except as provided in subparagraph (iii), unless appointed as a parent surrogate.

(5) "Parent surrogate" means a person who is appointed by the State Superintendent to act in place of a parent of a child in the educational decision making process.

(6) "Public agency" includes the State Department of Education, local education agencies, and other agencies that are responsible for providing education to handicapped children, including the Department of Health and Mental Hygiene, Mental Hygiene Administration, the Mental Retardation Administration, the Department of Juvenile Services, and the Maryland School for the Deaf. For the purpose of this section the Maryland School for the Blind shall be considered a public agency.

(7) "Unavailable" means that a public agency, after reasonable efforts, cannot discover the physical whereabouts of a child's parent.