



200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • marylandpublicschools.org

TO: Members of the State Board of Education
FROM: Karen B. Salmon, Ph.D. *KBS*
DATE: December 5, 2016
SUBJECT: COMAR) 13A.05.02.01-.14
Administration of Services for Students with Disabilities (AMEND)
PERMISSION TO PUBLISH

PURPOSE:

To request permission to publish amended regulations that govern the administration of services for students with disabilities (ATTACHMENT I).

REGULATION PROMULGATION PROCESS:

In accordance with the Regulatory Review and Evaluation Act, State Government Article §§ 10-130 – 10-139, Annotated Code of Maryland, the Maryland State Department of Education (MSDE) periodically schedules regulations for review to evaluate the need to retain, amend, or repeal any provisions. The purpose of this review is to determine whether the regulations: 1) continue to be necessary for the public interest; 2) continue to be supported by statutory authority and judicial opinions; and 3) are obsolete or otherwise are appropriate for amendment or repeal.

BACKGROUND/HISTORICAL PERSPECTIVE:

The regulations promulgated by the State Board to govern the administration of services for students with disabilities in Maryland, consistent with the federal Individuals with Disabilities Education Act (IDEA), are located in COMAR 13A.05.02. This chapter of COMAR addresses the State's responsibilities under the IDEA, procedural safeguards, compliance review activities, interagency collaboration, and nonpublic placements by local school systems. The MSDE consulted stakeholder groups to assist in the review process and, as a result of its review and evaluation, now proposes several amendments that fall into two categories: 1) updates to terminology; and 2) updates to statutory or regulatory citations. With regard to terminology, the local coordinating councils (LCCs) were replaced by local care teams (LCTs) as a result of a statutory change in 2011. With regard to citations, Article 49D was recodified as Title 8 of the Human Services Article, Annotated Code of Maryland, as a result of a statutory change in 2007. The MSDE has proposed no substantive changes to the regulations.

EXECUTIVE SUMMARY:

The following changes are reflected in the amended regulations:

1. 13A.05.02.03B(1) – replaces “local coordinating council (LCC)” with “local care team (LCT)” and replaces Article 49D with Human Services Article § 8-405
2. 13A.05.02.03B(1)(c)– replaces Article 49D with COMAR 14.31.01
3. 13A.05.02.03B(2) – replaces Article 49D with Human Services Article § 8-301
4. 13A.05.02.03B(4) – replaces Article 49D with Human Services Article § 8-401
5. 13A.05.02.14B(1) – deletes Article 49D
6. 13A.05.02.14B(5)(a) – replaces “LCC” with “LCT”
7. 13A.05.02.14B(5)(b) – replaces “LCC” with “LCT”
8. 13A.05.02.14C(1) – replaces “LCC” with “LCT” and replaces Article 49D with COMAR 14.31.01
9. 13A.05.02.14C(2) – replaces “LCC” with “LCT”
10. 13A.05.02.14C(3) – replaces “LCC” with “LCT” and replaces Article 49D with COMAR 14.31.01
11. 13A.05.02.14C(4) – replaces “LCC” with “LCT”
12. 13A.05.02.14D(1) – replaces “LCC” with “LCT”

ACTION:

Request permission to publish the proposed amendments to COMAR 13A.05.02.01-.14 for public comment.

13A.05.02

Administration of Services for Students with Disabilities

.01 Purpose.

(proposed text unchanged)

.02 Scope.

- A. (proposed text unchanged)
- B. (proposed text unchanged)

.03 Definitions.

- A. (proposed text unchanged)
- B. Terms Defined

- (1) “Local [coordinating council (LCC)] *care team (LCT)*” means the interagency committee established in each jurisdiction in accordance with [Article 49D] *Human Services Article §8-405*, Annotated Code of Maryland, to:
 - (a) Identify interagency resources to assist students with special needs;
 - (b) Facilitate the provision of interagency services to students with disabilities; and
 - (c) Review requests for State funding of residential placements of students with disabilities in accordance with [Article 49D, Annotated Code of Maryland] *COMAR 14.31.01*.
- (2) “Local management board (LMB)” means the entity established or designated in accordance with [Article 49D, §11] *Human Services Article, §8-301*, Annotated Code of Maryland, to ensure the implementation of a local interagency service delivery system for children, youth, and families in each local jurisdiction.
- (3) (proposed text unchanged)
- (4) “State Coordinating Council (SCC)” means the interagency committee established in [Article 49D] *Human Services Article, §8-401*, Annotated Code of Maryland.
- (5) (proposed text unchanged)

.04 State Administration.

- A. (proposed text unchanged)

- B. (proposed text unchanged)
- C. (proposed text unchanged)
- D. (proposed text unchanged)
- E. (proposed text unchanged)

.05 State Advisory Committee.

- A. (proposed text unchanged)
- B. (proposed text unchanged)
- C. (proposed text unchanged)
- D. (proposed text unchanged)
- E. (proposed text unchanged)
- F. (proposed text unchanged)
- G. (proposed text unchanged)
- H. (proposed text unchanged)
- I. (proposed text unchanged)

.06 Department Procedural Safeguards.

- A. (proposed text unchanged)
- B. (proposed text unchanged)
- C. (proposed text unchanged)

.07 Compliance Review Activities.

- A. (proposed text unchanged)
- B. (proposed text unchanged)
- C. (proposed text unchanged)
- D. (proposed text unchanged)
- E. (proposed text unchanged)
- F. (proposed text unchanged)

.08 Funding.

(proposed text unchanged)

.09 Interagency Collaboration.

(proposed text unchanged)

.10 State Complaint Procedures.

- A. (proposed text unchanged)
- B. (proposed text unchanged)

.11 Reports.

(proposed text unchanged)

.12 Nonpublic School Approval.

- A. (proposed text unchanged)
- B. (proposed text unchanged)

.13 Local Public Agency Administration.

- A. (proposed text unchanged)
- B. (proposed text unchanged)
- C. (proposed text unchanged)
- D. (proposed text unchanged)
- E. (proposed text unchanged)
- F. (proposed text unchanged)
- G. (proposed text unchanged)
- H. (proposed text unchanged)
- I. (proposed text unchanged)
- J. (proposed text unchanged)
- K. (proposed text unchanged)
- L. (proposed text unchanged)
- M. (proposed text unchanged)
- N. (proposed text unchanged)
- O. (proposed text unchanged)

.14 Nonpublic Placements by Local School Systems.

- A. (proposed text unchanged)
- B. State Contributions for Funding In-State Nonpublic Placements.
 - (1) A State contribution for funding the costs of a placement for a student with a disability in an approved nonpublic school program is available for placements which meet the requirements of Education Article, §8-406, [and Article 49D,] Annotated Code of Maryland, and Regulation .12 of this chapter.
 - (2) (proposed text unchanged)

- (3) (proposed text unchanged)
- (4) (proposed text unchanged)
- (5) State Contribution for Funding an In-State Residential Placement.
 - (a) A local school system shall obtain approval from the [LCC, pursuant to Article 49D, Annotated Code of Maryland] *LCT* before a local school system requests a State funding contribution of an in-State residential placement for a student with a disability.
 - (b) A local school system shall notify the Department of the [LCC] *LCT* approval when the request for a State funding contribution is submitted to the Department.
- C. State Contribution for Funding Out-of-State Nonpublic Placements.
 - (1) A local school system shall participate as a member of the [LCC] *LCT* and the LMB, in accordance with [Article 49D, Annotated Code of Maryland] *COMAR 14.31.01*.
 - (2) A local school system shall obtain approval from the [LCC] *LCT* to request a State contribution for funding an out-of-State nonpublic placement for a student with a disability whose educational needs cannot be met in an in-State nonpublic placement consistent with §A of this regulation.
 - (3) The [LCC] *LCT* shall review the funding request for an out-of-State nonpublic placement in accordance with [Article 49D, Annotated Code of Maryland] *COMAR 14.31.01*.
 - (4) If the [LCC] *LCT* approves the out-of-State nonpublic placement funding request, the local school system shall forward the funding request and supporting documentation at the time and in the manner specified by the SCC.
 - (5) (proposed text unchanged)
- D. Limitations on Local School System and State Funding Contributions to Nonpublic Placements.
 - (1) If the [LCC] *LCT* determines that a student with a disability requires a nonpublic placement for noneducational reasons, the local school system may agree to be responsible for the educational cost not to exceed the local share of the basic cost of the local school system education program, as defined in Education Article, §8-415, Annotated Code of Maryland.
 - (2) (proposed text unchanged)
 - (3) (proposed text unchanged)
 - (4) (proposed text unchanged)
- E. (proposed text unchanged)