

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 120

(Chair, Education, Health, and Environmental Affairs
Committee)(By Request - Departmental - Education)

Education, Health, and Environmental Affairs

Ways and Means

Education - Children With Disabilities - Parent Surrogates

This departmental bill clarifies that the Department of Labor, Licensing, and Regulation (DLLR) and the Department of Public Safety and Correctional Services (DPSCS) are among the public agencies that must, under certain conditions, request that the local school superintendent appoint a parent surrogate to represent a child during the educational decisionmaking process if it is suspected that the child may be disabled. An agency that must make such a request is also required to make efforts to identify or locate the child's parents over the course of 15 business days. These efforts must at least include letters sent by certified mail and a search of telephone directories.

The bill takes effect July 1, 2014.

Fiscal Summary

State Effect: Relevant State agencies can use existing resources to meet requirements related to efforts to identify or locate certain parents.

Local Effect: None. Local school systems can implement the bill with existing resources.

Small Business Effect: The Maryland State Department of Education (MSDE) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Current Law: Public agencies including MSDE, local school systems, the Maryland School for the Blind, the Maryland School for the Deaf, or any other State agency responsible for providing education to students with disabilities, must request that the local school superintendent appoint a parent surrogate to represent a child during the educational decisionmaking process if it is suspected that the child may be disabled and the child is: a ward of the State; an unaccompanied homeless youth; or the child's parents are unknown or unavailable and parental rights have not been transferred to the child upon the child reaching age 18. The request to the local school superintendent must be accompanied by certain information, including documentation, as applicable, of efforts made to *identify* the parent, if the parent is unknown, or to *locate* the parent if the parent is unavailable.

Chapter 134 of 2008 transferred adult correctional and adult education services from MSDE to DLLR. There is a mandatory educational and workforce skills training program in each of the correctional institutions in DPSCS. The programs must meet the special needs and circumstances of the inmates in each correctional institution.

State Fiscal Effect: Because current law requires that any State agency responsible for providing education to students with disabilities must make the specified request of a local school superintendent under certain conditions, adding DLLR and DPSCS to the list of agencies that must do so does not alter the obligation of either agency, and has no effect upon DLLR or DPSCS expenditures. Likewise, since relevant State agencies must under current law make documented efforts to identify or locate parents, and because the need for such efforts is relatively infrequent, the requirements under the bill to search telephone directories and send certified letters within 15 business days will not substantially affect State agency expenditures.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Department of Education; Department of Labor, Licensing, and Regulation; Department of Public Safety and Correctional Services; Department of Legislative Services

Fiscal Note History: First Reader - January 13, 2014
mc/rhh Revised - Senate Third Reader - March 17, 2014

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Children with Disabilities – Parent Surrogates

BILL NUMBER: SB 120

PREPARED BY: Maryland State Department of Education

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.