

HOUSE BILL 269

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CF SB 540

By: **Delegates Kaiser, Boteler, Carr, Feldman, Healey, Hecht, Ivey, Manno, Montgomery, O'Donnell, Reznik, Robinson, Schuler, Shewell, Sophocleus, Stocksdales, ~~and Stukes~~ Stukes, Kramer, and Glenn**

Introduced and read first time: January 25, 2010

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2010

CHAPTER _____

1 AN ACT concerning

2 **Child with a Disability – Individualized Education Program**

3 FOR the purpose of requiring appropriate school personnel to provide a copy of certain
4 documents relating to the development of an individualized education program
5 for a child with a disability to the parents of the child within a certain period
6 before a certain meeting, subject to a certain exception; authorizing certain
7 school personnel to provide the parents of a child with a disability a summary of
8 certain information in a certain manner under certain circumstances; requiring
9 certain school personnel to document certain failures and to communicate
10 certain information to the parents of a child with a disability under certain
11 circumstances; requiring appropriate school personnel to provide a copy of a
12 completed individualized education program to the parents of a child with a
13 disability within a certain period after a certain meeting; requiring the parents
14 to be provided with a draft copy of the individualized education program under
15 certain circumstances; requiring the documents to be in an accessible format;
16 providing that failure to comply with this Act does not constitute a certain
17 violation of the requirement to provide certain students a free appropriate
18 public education; and generally relating to individualized education programs
19 for children with disabilities.

20 BY repealing and reenacting, with amendments,
21 Article – Education
22 Section 8–405

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2008 Replacement Volume and 2009 Supplement)

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

5 **Article – Education**

6 8–405.

7 (a) When a team of qualified professionals and the parents meet for the
8 purpose of discussing the identification, evaluation, educational program, or the
9 provision of a free appropriate public education of a child with a disability:

10 (1) The parents of the child shall be afforded the opportunity to
11 participate and shall be provided reasonable notice in advance of the meeting; and

12 (2) Reasonable notice shall be at least 10 calendar days in advance of
13 the meeting, unless an expedited meeting is being conducted to:

14 (i) Address disciplinary issues;

15 (ii) Determine the placement of the child with a disability not
16 currently receiving educational services; or

17 (iii) Meet other urgent needs of a child with a disability to
18 ensure the provision of a free appropriate public education.

19 (b) The individualized education program team shall determine, on at least
20 an annual basis, whether the child requires extended year services in order to ensure
21 that the child is not deprived of a free appropriate public education by virtue of the
22 normal break in the regular school year.

23 **(c) (1) (i) ~~AT~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
24 **SUBSECTION, AND SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, AT**
25 **LEAST ~~5~~ 3 BUSINESS DAYS BEFORE A SCHEDULED MEETING OF THE**
26 **INDIVIDUALIZED EDUCATION PROGRAM TEAM OR OTHER MULTIDISCIPLINARY**
27 **EDUCATION TEAM FOR ANY PURPOSE FOR A CHILD WITH A DISABILITY,**
28 **APPROPRIATE SCHOOL PERSONNEL SHALL PROVIDE THE PARENTS OF THE**
29 **CHILD WITH ~~A~~ AN ACCESSIBLE COPY OF EACH ASSESSMENT, REPORT, DATA**
30 **CHART, DRAFT INDIVIDUALIZED EDUCATION PROGRAM, OR OTHER DOCUMENT**
31 **THAT EITHER TEAM PLANS TO DISCUSS AT THE MEETING.**

32 **(ii) AN ASSESSMENT, REPORT, DATA CHART, OR OTHER**
33 **DOCUMENT PREPARED BY A SCHOOL PSYCHOLOGIST OR OTHER MEDICAL**
34 **PROFESSIONAL THAT EITHER TEAM PLANS TO DISCUSS AT THE MEETING MAY**

1 BE PROVIDED TO THE PARENTS OF THE CHILD ORALLY AND IN WRITING PRIOR
2 TO THE MEETING.

3 (2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,
4 APPROPRIATE SCHOOL PERSONNEL ARE NOT REQUIRED TO COMPLY WITH
5 PARAGRAPH (1) OF THIS SUBSECTION IN THE EVENT OF AN EXTENUATING
6 CIRCUMSTANCE.

7 (II) IN THE EVENT OF AN EXTENUATING CIRCUMSTANCE,
8 APPROPRIATE SCHOOL PERSONNEL WHO FAIL TO COMPLY WITH PARAGRAPH
9 (1) OF THIS SUBSECTION SHALL DOCUMENT THE EXTENUATING CIRCUMSTANCE
10 AND COMMUNICATE THAT INFORMATION TO THE PARENTS OF THE CHILD.

11 (D) (1) NOT LATER THAN 5 BUSINESS DAYS AFTER A SCHEDULED
12 MEETING OF THE INDIVIDUALIZED EDUCATION PROGRAM TEAM OR OTHER
13 MULTIDISCIPLINARY TEAM FOR A CHILD WITH A DISABILITY, APPROPRIATE
14 SCHOOL PERSONNEL SHALL PROVIDE THE PARENTS OF THE CHILD WITH A COPY
15 OF THE COMPLETED INDIVIDUALIZED EDUCATION PROGRAM.

16 (2) IF THE INDIVIDUALIZED EDUCATION PROGRAM HAS NOT BEEN
17 COMPLETED BY THE 5TH BUSINESS DAY AFTER THE MEETING, THE PARENTS
18 SHALL BE PROVIDED WITH THE DRAFT COPY OF THE INDIVIDUALIZED
19 EDUCATION PROGRAM.

20 (3) THE COMPLETED OR DRAFT INDIVIDUALIZED EDUCATION
21 PROGRAM SHALL BE PROVIDED TO THE PARENTS IN AN ACCESSIBLE FORMAT.

22 (E) FAILURE TO COMPLY WITH THIS SECTION DOES NOT CONSTITUTE A
23 SUBSTANTIVE VIOLATION OF THE REQUIREMENT TO PROVIDE A STUDENT WITH
24 A FREE APPROPRIATE PUBLIC EDUCATION.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 July 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.