

SENATE BILL 540

F1

0lr2356
CF HB 269

By: **Senators Harrington, Conway, Kramer, Lenett, Madaleno, Peters, Rosapepe, and Zirkin**

Introduced and read first time: February 4, 2010

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 16, 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; requiring certain school
7 personnel to document certain failures and to include certain documentation in
8 certain records under certain circumstances; requiring appropriate school
9 personnel to provide a copy of a completed individualized education program to
10 the parents of a child with a disability within a certain period after a certain
11 meeting; requiring the parents to be provided with a draft copy of the
12 individualized education program under certain circumstances; requiring the
13 documents to be in an accessible format; providing that failure to comply with
14 this Act does not constitute a certain violation of the requirement to provide
15 certain students a free appropriate public education; and generally relating to
16 individualized education programs for children with disabilities.

17 BY repealing and reenacting, with amendments,
18 Article – Education
19 Section 8–405
20 Annotated Code of Maryland
21 (2008 Replacement Volume and 2009 Supplement)

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

3 **Article – Education**

4 8–405.

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

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

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

12 (i) Address disciplinary issues;

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

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

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

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

29 **(2) (i) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,**
30 **APPROPRIATE SCHOOL PERSONNEL ARE NOT REQUIRED TO COMPLY WITH**
31 **PARAGRAPH (1) OF THIS SUBSECTION IN THE EVENT OF AN EXTENUATING**
32 **CIRCUMSTANCE.**

1 **(II) IN THE EVENT OF AN EXTENUATING CIRCUMSTANCE,**
2 **APPROPRIATE SCHOOL PERSONNEL WHO FAIL TO COMPLY WITH PARAGRAPH**
3 **(1) OF THIS SUBSECTION SHALL:**

4 **1. DOCUMENT THE EXTENUATING CIRCUMSTANCE;**
5 **AND**

6 **2. INCLUDE WRITTEN DOCUMENTATION RELATING**
7 **TO THE EXTENUATING CIRCUMSTANCE IN THE STUDENT’S PERMANENT RECORD.**

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

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

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

19 **(E) FAILURE TO COMPLY WITH THIS SECTION DOES NOT CONSTITUTE A**
20 **SUBSTANTIVE VIOLATION OF THE REQUIREMENT TO PROVIDE A STUDENT WITH**
21 **A FREE APPROPRIATE PUBLIC EDUCATION.**

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.