

HOUSE BILL 596

F1

(2lr1621)

ENROLLED BILL

— *Ways and Means/Education, Health, and Environmental Affairs* —

Introduced by **Delegates Kaiser, Barkley, Cullison, Gutierrez, Ivey, A. Kelly, Luedtke, Reznik, S. Robinson, Stukes, Summers, and Zucker**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Child with a Disability – Individualized Education Program Meeting –**
3 **Document Access**

4 FOR the purpose of providing that the parents of a child with a disability may notify
5 appropriate school personnel that they do not want to receive certain documents;
6 ~~altering the period of time before a certain meeting that appropriate~~ authorizing
7 school personnel ~~must~~ to provide a copy of certain documents relating to the
8 development of an individualized education program for a child with a disability
9 to the parents of the child in a certain manner; defining certain terms; and
10 generally relating to a meeting of the individualized education program team.

11 BY repealing and reenacting, with amendments,

12 Article – Education

13 Section ~~8-405(e)~~ 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.

Italics indicate opposite chamber/conference committee amendments.



1 Annotated Code of Maryland
2 (2008 Replacement Volume and 2011 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) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
8 MEANINGS INDICATED.

9 (2) “ACCESSIBLE COPY” MEANS INCLUDES A COPY OF A
10 DOCUMENT PROVIDED TO AN INDIVIDUAL IN A FORMAT, INCLUDING A
11 SPECIALIZED FORMAT AS DEFINED IN § 8–408 OF THIS SUBTITLE, NECESSARY
12 FOR THE UNDERSTANDING OF THE DOCUMENT BY THE INDIVIDUAL ACCEPTING
13 THE DOCUMENT.

14 (3) “EXTENUATING CIRCUMSTANCE” MEANS:

15 (I) A DEATH IN THE FAMILY;

16 (II) A PERSONAL EMERGENCY;

17 (III) A NATURAL DISASTER; OR

18 (IV) ANY OTHER SIMILAR SITUATION DEFINED BY THE
19 DEPARTMENT.

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

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

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

27 (i) Address disciplinary issues;

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

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

3 **[(b)] (C)** The individualized education program team shall determine, on at
4 least an annual basis, whether the child requires extended year services in order to
5 ensure that the child is not deprived of a free appropriate public education by virtue of
6 the normal break in the regular school year.

7 ~~(D)~~ (1) (i) Except as provided in paragraph (2) of this subsection, and
8 subject to ~~subparagraph (ii)~~ **SUBPARAGRAPHS (II) AND (III)** of this paragraph, at
9 least 5 ~~[business]~~ **CALENDAR** days before a scheduled meeting of the individualized
10 education program team or other multidisciplinary education team for any purpose for
11 a child with a disability, appropriate school personnel shall provide the parents of the
12 child with an accessible copy of each assessment, report, data chart, draft
13 individualized education program, or other document that either team plans to discuss
14 at the meeting.

15 (ii) Subject to subparagraph (i) of this paragraph, an
16 assessment, report, data chart, or other document prepared by a school psychologist or
17 other medical professional that either team plans to discuss at the meeting may be
18 provided to the parents of the child orally and in writing prior to the meeting.

19 **(III) THE PARENTS OF A CHILD MAY NOTIFY APPROPRIATE**
20 **SCHOOL PERSONNEL THAT THEY DO NOT WANT TO RECEIVE THE DOCUMENTS**
21 **REQUIRED TO BE PROVIDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

22 (2) (i) Subject to subparagraph (ii) of this paragraph, appropriate
23 school personnel are not required to comply with paragraph (1) of this subsection in
24 the event of an extenuating circumstance.

25 (ii) In the event of an extenuating circumstance, appropriate
26 school personnel who fail to comply with paragraph (1) of this subsection shall
27 document the extenuating circumstance and communicate that information to the
28 parents of the child.

29 **[(d)] (E)** (1) Not later than 5 business days after a scheduled meeting of
30 the individualized education program team or other multidisciplinary team for a child
31 with a disability, appropriate school personnel shall provide the parents of the child
32 with a copy of the completed individualized education program.

33 (2) If the individualized education program has not been completed by
34 the 5th business day after the meeting, the parents shall be provided with the draft
35 copy of the individualized education program.

36 (3) The completed or draft individualized education program shall be
37 provided to the parents in an accessible format.

1 (F) SCHOOL TO FULFILL THE PURPOSES OF THIS SECTION, SCHOOL
2 PERSONNEL MAY PROVIDE THE DOCUMENTS REQUIRED UNDER THIS
3 SUBSECTION THROUGH ANY:

4 (1) ELECTRONIC DELIVERY;

5 (2) HOME DELIVERY WITH THE STUDENT; OR

6 (3) ANY OTHER REASONABLE AND LEGAL METHOD OF DELIVERY
7 TO FULFILL THE PURPOSES OF THIS SECTION.

8 [(e)] (G) Failure to comply with this section does not constitute a
9 substantive violation of the requirement to provide a student with a free appropriate
10 public education.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 July 1, 2012.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.