

# HOUSE BILL 596

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

Introduced and read first time: February 6, 2012

Assigned to: Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

4 FOR the purpose of ~~altering the period of time before a certain meeting that~~  
5 ~~appropriate~~ authorizing school personnel ~~must~~ to provide a copy of certain  
6 documents relating to the development of an individualized education program  
7 for a child with a disability to the parents of the child in a certain manner;  
8 defining certain terms; and generally relating to a meeting of the individualized  
9 education program team.

10 BY repealing and reenacting, with amendments,  
11 Article – Education  
12 Section ~~8–405(e)~~ 8–405  
13 Annotated Code of Maryland  
14 (2008 Replacement Volume and 2011 Supplement)

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

17 **Article – Education**

18 8–405.

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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           (a) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
2 MEANINGS INDICATED.

3                   (2) “ACCESSIBLE COPY” MEANS A COPY OF A DOCUMENT  
4 PROVIDED TO AN INDIVIDUAL IN A FORMAT, INCLUDING A SPECIALIZED FORMAT  
5 AS DEFINED IN § 8-408 OF THIS SUBTITLE, NECESSARY FOR THE  
6 UNDERSTANDING OF THE DOCUMENT BY THE INDIVIDUAL ACCEPTING THE  
7 DOCUMENT.

8                   (3) “EXTENUATING CIRCUMSTANCE” MEANS:

9                           (I) A DEATH IN THE FAMILY;

10                           (II) A PERSONAL EMERGENCY;

11                           (III) A NATURAL DISASTER; OR

12                           (IV) ANY OTHER SIMILAR SITUATION DEFINED BY THE  
13 DEPARTMENT.

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

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

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

21                           (i) Address disciplinary issues;

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

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

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

30           ~~(e)~~ **(D)** (1) (i) Except as provided in paragraph (2) of this subsection, and  
31 subject to subparagraph (ii) of this paragraph, at least 5 ~~[business]~~ ~~CALENDAR~~ days  
32 before a scheduled meeting of the individualized education program team or other

1 multidisciplinary education team for any purpose for a child with a disability,  
2 appropriate school personnel shall provide the parents of the child with an accessible  
3 copy of each assessment, report, data chart, draft individualized education program, or  
4 other document that either team plans to discuss at the meeting.

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

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

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

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

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

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

25 **(F) SCHOOL PERSONNEL MAY PROVIDE THE DOCUMENTS REQUIRED**  
26 **UNDER THIS SUBSECTION THROUGH ANY REASONABLE AND LEGAL METHOD OF**  
27 **DELIVERY TO FULFILL THE PURPOSES OF THIS SECTION.**

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

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