

HOUSE BILL 1161

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By: **Delegates A. Washington, Afzali, Branch, Clippinger, George, Hixson, Howard, Ivey, Kaiser, Luedtke, McConkey, A. Miller, Summers, Waldstreicher, and Walker**

Introduced and read first time: February 8, 2013

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Commission on Special Education Access and Equity**

3 FOR the purpose of establishing the Commission on Special Education Access and
4 Equity; providing for the composition, chair, and staffing of the Commission;
5 prohibiting a member of the Commission from receiving certain compensation,
6 but authorizing the reimbursement of certain expenses; requiring the
7 Commission to study and make recommendations regarding certain matters;
8 requiring the Commission to report its findings and recommendations to the
9 Governor and certain committees of the General Assembly on or before a certain
10 date; providing for the termination of this Act; and generally relating to the
11 Commission on Special Education Access and Equity.

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That:

14 (a) There is a Commission on Special Education Access and Equity.

15 (b) The Commission consists of the following 15 members:

16 (1) two members of the Senate of Maryland, appointed by the
17 President of the Senate;

18 (2) two members of the House of Delegates, appointed by the Speaker
19 of the House;

20 (3) the State Superintendent of Schools, or the State Superintendent's
21 designee;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) one school psychologist, appointed by the Maryland School
2 Psychologists' Association;

3 (5) one special education teacher, appointed by the Maryland State
4 Educators' Association; and

5 (6) the following 8 members, appointed by the Governor:

6 (i) one general educator who teaches inclusion classes;

7 (ii) one representative of the Maryland Association of Boards of
8 Education;

9 (iii) one administrative law judge with experience in special
10 education appeals;

11 (iv) one representative of the Maryland Disabilities Law Center;

12 (v) one parent of a student with severe and profound disabilities
13 who has an Individualized Education Plan;

14 (vi) one parent of a student with a mild to moderate learning
15 disability who has an Individualized Education Plan;

16 (vii) one parent of a student with an Individualized Education
17 Plan under Section 504 of the Rehabilitation Act of 1973; and

18 (viii) one representative of the Maryland Parent Teacher
19 Association.

20 (c) The Governor shall designate the chair of the Commission.

21 (d) The State Department of Education shall provide staff for the
22 Commission.

23 (e) A member of the Commission:

24 (1) may not receive compensation as a member of the Commission; but

25 (2) is entitled to reimbursement for expenses under the Standard
26 State Travel Regulations, as provided in the State budget.

27 (f) The Commission shall study:

28 (1) the extent to which parents and guardians of students with
29 disabilities are made aware of their rights under the Individuals with Disabilities
30 Education Act (20 U.S.C. § 1400 et seq.), Section 504 of the Rehabilitation Act of 1973

1 (29 U.S.C. § 701), and State law and regulations relating to children with disabilities
2 and potential ways to improve the awareness of these rights;

3 (2) disparities and potential methods for eliminating any disparities
4 based on race, national origin, and limited English proficiency in the following areas:

5 (i) knowledge of and access to special education services;

6 (ii) rights under the Individuals with Disabilities Education Act
7 and Section 504 of the Rehabilitation Act of 1973;

8 (iii) access to and participation in Individualized Education Plan
9 mediation and appeals; and

10 (iv) access to and participation in free and reduced price meals;

11 (3) effects of workload, caseload, and paperwork requirements related
12 to the special education process on the ability of educators to provide a free and
13 appropriate public education as guaranteed under federal law, and potential methods
14 for mitigating these factors;

15 (4) concerns about equity between the parties in special education due
16 process hearings, and potential methods for improving the process, including the
17 viability of establishing a system of voluntary binding arbitration in these cases as an
18 alternative method of resolving disputes; and

19 (5) any other issues related to access and equity in the provision of
20 special education services under federal and State law identified by the Commission.

21 (g) On or before December 15, 2013, the Commission shall report its findings
22 and recommendations on these issues relating to access and equity in the provision of
23 special education services under federal and State law to the Governor and, in
24 accordance with § 2-1246 of the State Government Article, the Senate Education,
25 Health, and Environmental Affairs Committee and the House Ways and Means
26 Committee.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 June 1, 2013. It shall remain effective for a period of 1 year and, at the end of May 31,
29 2014, with no further action required by the General Assembly, this Act shall be
30 abrogated and of no further force and effect.