

# HOUSE BILL 413

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By: ~~Delegates Luedtke, Kaiser, and A. Washington~~ A. Washington, F. Turner, Howard, and Cardin

Introduced and read first time: January 24, 2014

Assigned to: Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 4, 2014

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

1 AN ACT concerning

2 **Special Education – Individualized Education Program Parental Notice**  
3 **Requirements and Service Models List**

4 FOR the purpose of requiring the parents of a child attending their initial  
5 individualized education program evaluation meeting to be provided a certain  
6 verbal and written explanation of their rights and responsibilities and a  
7 program procedural safeguards notice and providing the right for the parents to  
8 request this information at any meeting thereafter; requiring a certain verbal  
9 and written explanation to be given in plain language; requiring the State  
10 Department of Education to adopt certain regulations; requiring each county  
11 board of education to develop and publish on its Web site a certain list of special  
12 education service delivery models that includes a statement regarding how a  
13 child is placed; requiring a county board to provide a written copy of a certain  
14 list on request that includes certain information; and generally relating to  
15 information and requirements regarding special education programs.

16 BY repealing and reenacting, with amendments,  
17 Article – Education  
18 Section 8–405  
19 Annotated Code of Maryland  
20 (2008 Replacement Volume and 2013 Supplement)

21 BY adding to  
22 Article – Education

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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 Section 8–418  
2 Annotated Code of Maryland  
3 (2008 Replacement Volume and 2013 Supplement)

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

6 **Article – Education**

7 8–405.

8 (a) (1) In this section the following words have the meanings indicated.

9 (2) “Accessible copy” includes a copy of a document provided to an  
10 individual in a format as defined in § 8–408 of this subtitle.

11 (3) “Extenuating circumstance” means:

12 (i) A death in the family;

13 (ii) A personal emergency;

14 (iii) A natural disaster; or

15 (iv) Any other similar situation defined by the Department.

16 (b) (1) When a team of qualified professionals and the parents meet for  
17 the purpose of discussing the identification, evaluation, educational program, or the  
18 provision of a free appropriate public education of a child with a disability:

19 [(1)] (I) The parents of the child shall be afforded the opportunity to  
20 participate and shall be provided reasonable notice in advance of the meeting; and

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

23 [(i)] 1. Address disciplinary issues;

24 [(ii)] 2. Determine the placement of the child with a disability  
25 not currently receiving educational services; or

26 [(iii)] 3. Meet other urgent needs of a child with a disability to  
27 ensure the provision of a free appropriate public education.

28 (2) (I) **AT THE INITIAL EVALUATION MEETING, THE PARENTS**  
29 **OF THE CHILD SHALL BE PROVIDED, IN PLAIN LANGUAGE, A VERBAL AND**

1 WRITTEN EXPLANATION OF THE PARENTS' RIGHTS AND RESPONSIBILITIES IN  
2 THE INDIVIDUALIZED EDUCATION PROGRAM PROCESS AND A PROGRAM  
3 PROCEDURAL SAFEGUARDS NOTICE.

4 (II) THE PARENTS MAY REQUEST THE INFORMATION  
5 PROVIDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH AT ANY  
6 SUBSEQUENT MEETING.

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

11 (d) (1) (i) Except as provided in paragraph (2) of this subsection, and  
12 subject to subparagraphs (ii) and (iii) of this paragraph, at least 5 business days before  
13 a scheduled meeting of the individualized education program team or other  
14 multidisciplinary education team for any purpose for a child with a disability,  
15 appropriate school personnel shall provide the parents of the child with an accessible  
16 copy of each assessment, report, data chart, draft individualized education program, or  
17 other document that either team plans to discuss at the meeting.

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

22 (iii) The parents of a child may notify appropriate school  
23 personnel that they do not want to receive the documents required to be provided  
24 under subparagraph (i) of this paragraph.

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

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

32 (e) (1) Not later than 5 business days after a scheduled meeting of the  
33 individualized education program team or other multidisciplinary team for a child  
34 with a disability, appropriate school personnel shall provide the parents of the child  
35 with a copy of the completed individualized education program.

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

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

6 (f) To fulfill the purposes of this section, school personnel may provide the  
7 documents required under this subsection through:

8 (1) Electronic delivery;

9 (2) Home delivery with the student; or

10 (3) Any other reasonable and legal method of delivery.

11 (g) Failure to comply with this section does not constitute a substantive  
12 violation of the requirement to provide a student with a free appropriate public  
13 education.

14 **(H) THE DEPARTMENT SHALL ADOPT:**

15 **(1) REGULATIONS THAT DEFINE WHAT INFORMATION SHOULD BE**  
16 **PROVIDED IN THE VERBAL AND WRITTEN EXPLANATIONS OF THE PARENTS'**  
17 **RIGHTS AND RESPONSIBILITIES IN THE INDIVIDUALIZED EDUCATION PROGRAM**  
18 **PROCESS; AND**

19 **(2) ANY OTHER REGULATIONS NECESSARY TO CARRY OUT**  
20 **SUBSECTION (B)(2) OF THIS SECTION.**

21 **8-418.**

22 **(A) (1) EACH COUNTY BOARD SHALL DEVELOP AND PUBLISH ON ITS**  
23 **WEB SITE A LIST OF ALL SPECIAL EDUCATION SERVICE DELIVERY MODELS IN**  
24 **THE LOCAL SCHOOL SYSTEM.**

25 **(2) THE COUNTY BOARD SHALL CLEARLY STATE THAT ALL**  
26 **DECISIONS REGARDING THE PLACEMENT OF A CHILD WITH A DISABILITY IN A**  
27 **SPECIAL EDUCATION SERVICE DELIVERY MODEL UNDER PARAGRAPH (1) OF**  
28 **THIS SUBSECTION WILL BE MADE BY AN INDIVIDUALIZED EDUCATION PROGRAM**  
29 **TEAM IN CONSULTATION WITH THE PARENTS OR GUARDIANS OF THE CHILD AND**  
30 **CONSISTENT WITH THE LEAST RESTRICTIVE ENVIRONMENT REQUIREMENTS OF**  
31 **THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT.**

1           **(B) ON REQUEST, THE COUNTY BOARD SHALL PROVIDE A WRITTEN**  
2 **COPY OF THE INFORMATION PROVIDED UNDER SUBSECTION (A) OF THIS**  
3 **SECTION.**

4           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 July 1, 2014.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.