

Department of Legislative Services  
Maryland General Assembly  
2014 Session

FISCAL AND POLICY NOTE

House Bill 798  
Ways and Means

(Delegate A. Kelly, *et al.*)

Education, Health, and Environmental Affairs

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Education - Children With Disabilities - Habilitative Services Information

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This bill requires each local school system to provide to parents of a child with a disability verbal and written information about access to habilitative services, including a copy of the Maryland Insurance Administration's *Parents' Guide to Habilitative Services*, at specified times.

The bill takes effect July 1, 2014.

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Fiscal Summary

**State Effect:** The Maryland State Department of Education (MSDE) can use federal funds to augment and disseminate a revised version of an existing document. Expenditures of federal funds total \$2,700 in FY 2015 and approximately \$1,200 in each subsequent fiscal year.

**Local Effect:** Local school systems can provide the required information using existing resources.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** The required information must be provided at the following times:

- during the transition meeting for a child moving from the Maryland Infants and Toddlers Program (MITP) to a local school system;
- during a child's initial individualized education program (IEP) meeting;

- at least one time each year at a child’s IEP meeting; and
- on the approval or denial of a parent’s request for a related service to enable a child with a disability to benefit from special education.

**Current Law/Background:** Habilitative services are therapeutic services that are provided to children with genetic conditions or conditions present from birth to enhance the child’s ability to function. While *rehabilitative* services are geared toward reacquiring a skill that has been lost or impaired, habilitative services are provided to help acquire a skill in the first place, such as walking or talking.

Chapters 293 and 294 of 2012 required the Maryland Insurance Commissioner to establish a workgroup on access to habilitative services benefits. The workgroup was required to determine (1) whether children who are entitled to and would benefit from habilitative services are actually receiving those services; (2) if children are not receiving such services, the reasons why; (3) any actions needed to promote optimum use of habilitative services; and (4) the costs and benefits associated with expanding habilitative services coverage to individuals younger than age 26. The workgroup issued its final report in October 2013.

One recommendation of the workgroup is for MSDE to disseminate information to families about access to habilitative services, including the six-page *Parents’ Guide to Habilitative Services* developed by the workgroup. The workgroup recommends that the information should be provided at the following times:

- on a global basis to all parents at Parent-Teacher Association meetings or through distribution packets at the beginning of the year;
- at the transitional meeting between the MITP and K-12 program with parents of children with special needs; and
- at different diagnostic points for older children, including at IEP meetings and upon approval or denial of parent requests for educationally based occupational therapy, physical therapy, speech therapy, or behavioral therapy.

### *Individualized Education Program*

The federal Individuals with Disabilities Education Act (IDEA) requires that a child with disabilities be provided a free appropriate public education in the least restrictive environment from birth through the end of the school year in which the student turns 21 years old, in accordance with an IEP specific to the individual needs of the student. An IEP is a written statement for each child with a disability that, among other things, must indicate the present levels of academic achievement and functional performance of a child, measurable academic and functional goals for the child, how the child’s progress

toward meeting these goals will be measured, and the special education and related services that are to be provided for the child. The parent of a child with a disability is a member of the IEP team that is responsible for developing and reviewing a child's IEP and for revisions to the IEP.

### *Transition from Maryland Infants and Toddlers Program to a Local School System*

MITP provides a statewide community-based interagency system of comprehensive early intervention services to eligible infants and toddlers, birth through age two, and their families. Historically, MITP has provided these services to eligible children from birth until their third birthday through the development of an Individualized Family Service Plan (IFSP). If on a child's third birthday it was determined that a child continued to need special education services, an IEP was developed for the child. In that case, funding for the services needed by the child was provided through federal grants pursuant to IDEA and State preschool special education services rather than through MITP.

In 2010, federal IDEA law changed to permit states to make IFSP early intervention services available to children beyond their third birthday (34 CFR § 303.211). In response to this federal flexibility, on February 1, 2010, Maryland began offering families of eligible children the choice to continue to receive early intervention services through an IFSP or to begin services through an IEP when the child is three years old. This choice is known as the Extended IFSP Option. Legislation has been proposed this session (HB 428) to codify this option in State law.

**State Fiscal Effect:** Part B of IDEA sets forth requirements for states and local school systems in providing special education and related services to children with disabilities. Federal law requires local school systems to provide parents of children with disabilities with a procedural safeguards notice that describes a parent's rights and responsibilities under Part B. MSDE indicates that under the bill it will augment its existing procedural safeguards notice with an additional page briefly describing information about access to habilitative services and providing the website address for the *Parents' Guide to Habilitative Services*. MSDE advises that it will use federal IDEA funds in fiscal 2015 to cover approximately \$2,700 in costs to create that additional page and translate it to 17 languages (\$1,200), and for transcribing and printing the additional page in Braille (\$1,500). Approximately \$1,200 in federal IDEA funds will be used for annual printing in Braille.

**Local Fiscal Effect:** Local school systems must already provide the procedural safeguards notice at specified junctures, therefore, local expenditures do not increase to provide the revised notice on the occasions specified by the bill. Local school systems can provide the *Parents' Guide to Habilitative Services* using existing resources.

## Additional Information

**Prior Introductions:** None.

**Cross File:** SB 701 (Senator Madaleno, *et al.*) - Education, Health, and Environmental Affairs.

**Information Source(s):** Maryland State Department of Education, Workgroup on Access to Habilitative Services, Department of Legislative Services

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