

Department of Legislative Services  
Maryland General Assembly  
2015 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 44

(Delegate Luedtke)

Ways and Means

Education, Health, and Environmental Affairs

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**Special Education - IEP Translation Pilot Program - Establishment**

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This bill establishes an IEP Translation Pilot Program in Montgomery County. The pilot program begins in the 2016-2017 school year and lasts for two years. The bill authorizes the parents of a child with a completed individualized education program (IEP) or individualized family service plan (IFSP) to request that the IEP or IFSP be translated into the parents' native language. School personnel must provide the parents with the translated document within 30 days after the date of the request. The local school system must provide to the parents, in plain language, a verbal and written explanation of a parents' right to have a completed IEP or IFSP translated into the parents' native language at specified times.

The bill takes effect July 1, 2015, and terminates June 30, 2018.

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**Fiscal Summary**

**State Effect:** General fund expenditures for the Maryland State Department of Education (MSDE) are not affected. Revenues are not affected.

**Local Effect:** Montgomery County Board of Education expenditures increase by approximately \$380,400 annually in FY 2017 and 2018 to translate IFSPs and IEPs. Required notifications and reporting can be handled with existing resources. Local revenues are not affected. **This bill imposes a mandate on a unit of local government.**

**Small Business Effect:** Small businesses that provide translation services may realize a minimal amount of additional revenue.

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## Analysis

**Bill Summary:** The local school system must provide to the parents of a child, in plain language, a verbal and written explanation of a parents' right to have a completed IEP or IFSP translated into the parents' native language at the following times: the transition meeting for a child moving from the Maryland Infants and Toddlers Program to the local school system; a child's initial IEP meeting; and at least once each year at a child's IEP meeting.

By December 31, 2017, the Montgomery County Board of Education must report to the Governor; the Senate Education, Health, and Environmental Affairs Committee; and the House Committee on Ways and Means on the following IEP Translation Pilot Program statistics:

- the number of IEP translation requests the local school system received by school and grade level;
- each language a completed IEP was requested to be translated into;
- the aggregate cost to the local school system to translate completed IEPs and a breakdown of the costs by each language requested; and
- other logistical challenges, issues, or successes.

### **Current Law:**

#### *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.

#### *Individualized Family Service Plan*

Maryland Infants and Toddlers Program (MITP) provides a statewide community-based interagency system of comprehensive early intervention services to eligible infants and

toddlers, birth through the beginning of the school year following a child's fourth birthday, and their families. MITP provides these services through the development of an IFSP.

### *Accommodating the Language of the Parent*

IDEA requires that necessary actions be taken to ensure that the parent understands the proceedings of the IEP team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English. IDEA also requires that parents are provided with notice of the decisions made at IEP and IFSP meetings in "understandable language." Specifically, the notice must be written in a language understandable to the general public and provided in the native language of the parent or other mode of communication (including nonwritten communication) used by the parent, unless it is clearly infeasible to do so.

**Background:** MSDE provides a template in 17 languages for IEPs and IFSPs so that parents who read in these languages will understand the basis for the completed IEP or IFSP for their child. The completed IEP and IFSP is a legal document written in English.

All parents are participants in the development of IEPs and IFSPs, parents have access (as needed) to interpreters at each meeting in which an IEP or IFSP is discussed, and the notice document that describes in advance any change in the plan for a student must be provided in the native language of the parent. For these reasons, it is assumed that parents, regardless of their native language, are typically well-informed about the content of the IEP and IFSP for their child.

**Local Expenditures:** MSDE estimates that translation costs would average \$988 for the average IEP at an estimated cost of \$38 per page and an average IEP length of 26 pages. MSDE also estimates that the parents of approximately 3,845 children receiving early intervention services or special education services in Montgomery County are not native English language speakers. It is not known what percentage of parents will request a translated IEP or IFSP. Assuming translation costs similar to those estimated by MSDE and assuming that 10% of parents (or 385) request a translated IEP or IFSP, Montgomery County expenditures increase by approximately \$380,400 annually in fiscal 2017 and 2018. However, given that parents are required to be well-informed throughout the IEP and IFSP development process, it is anticipated that local expenditures may increase by substantially lesser amounts. Montgomery County Public Schools can provide the required parental notification and produce the required report using existing resources.

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## **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 314 (Senator Ramirez, *et al.*) - Education, Health, and Environmental Affairs.

**Information Source(s):** Montgomery County, Maryland State Department of Education, Department of Legislative Services

**Fiscal Note History:** First Reader - February 11, 2015  
min/rhh Revised - House Third Reader - March 31, 2015

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