

HOUSE BILL 778

F1

6lr2652

By: **Delegates M. Washington and Luedtke**
Introduced and read first time: February 8, 2016
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Students With Disabilities – Parental Consent for Individualized**
3 **Education Program Content**

4 FOR the purpose of requiring certain individualized education program teams to obtain a
5 certain written consent before implementing certain actions except in certain
6 circumstances; requiring a certain individualized education program team to send a
7 certain notice to certain parents under certain circumstances; authorizing a certain
8 individualized education program team to use certain dispute resolution options in
9 certain circumstances; and generally relating to parental consent for individualized
10 education program content.

11 BY renumbering
12 Article – Education
13 Section 8–405(f) through (h), respectively
14 to be Section 8–405(g) through (i), respectively
15 Annotated Code of Maryland
16 (2014 Replacement Volume and 2015 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article – Education
19 Section 8–405(b)
20 Annotated Code of Maryland
21 (2014 Replacement Volume and 2015 Supplement)

22 BY adding to
23 Article – Education
24 Section 8–405(f)
25 Annotated Code of Maryland
26 (2014 Replacement Volume and 2015 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That Section(s) 8–405(f) through (h), respectively, of Article – Education of the Annotated
3 Code of Maryland be renumbered to be Section(s) 8–405(g) through (i), respectively.

4 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
5 as follows:

6 **Article – Education**

7 8–405.

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

11 (i) The parents of the child shall be afforded the opportunity to
12 participate and shall be provided reasonable notice in advance of the meeting; and

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

15 1. Address disciplinary issues;

16 2. Determine the placement of the child with a disability not
17 currently receiving educational services; or

18 3. Meet other urgent needs of a child with a disability to
19 ensure the provision of a free appropriate public education.

20 (2) (i) At the initial evaluation meeting, the parents of the child shall
21 be provided, in plain language, a verbal and written explanation of the parents' rights and
22 responsibilities in the individualized education program process and a program procedural
23 safeguards notice.

24 (ii) The parents may request the information provided under
25 subparagraph (i) of this paragraph at any subsequent meeting.

26 **(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
27 **THE INDIVIDUALIZED EDUCATION PROGRAM TEAM SHALL OBTAIN WRITTEN**
28 **CONSENT FROM A PARENT IF THE TEAM PROPOSES TO:**

29 **(I) ENROLL THE CHILD IN AN ALTERNATIVE EDUCATION**
30 **PROGRAM THAT DOES NOT ISSUE OR PROVIDE CREDITS TOWARD A MARYLAND HIGH**
31 **SCHOOL DIPLOMA;**

1 **(II) IDENTIFY THE CHILD FOR THE ALTERNATE ASSESSMENT**
2 **ALIGNED WITH THE STATE'S ALTERNATE CURRICULUM;**

3 **(III) USE RESTRAINT OR SECLUSION TO CORRECT THE CHILD'S**
4 **BEHAVIOR;**

5 **(IV) REDUCE OR TERMINATE THE AMOUNT OF INSTRUCTIONAL**
6 **OR RELATED SERVICES THAT ARE PROVIDED TO THE CHILD; OR**

7 **(V) INITIATE A CHANGE IN THE CHILD'S EDUCATIONAL**
8 **PLACEMENT.**

9 **(2) IF THE PARENT DOES NOT PROVIDE WRITTEN CONSENT TO AN**
10 **ACTION PROPOSED IN PARAGRAPH (1) OF THIS SUBSECTION AT THE**
11 **INDIVIDUALIZED EDUCATION PROGRAM TEAM MEETING, THE INDIVIDUALIZED**
12 **EDUCATION PROGRAM TEAM SHALL SEND THE PARENT WRITTEN NOTICE NO LATER**
13 **THAN 5 BUSINESS DAYS AFTER THE INDIVIDUALIZED EDUCATION PROGRAM**
14 **MEETING THAT INFORMS THE PARENT THAT:**

15 **(I) THE PARENT HAS THE RIGHT TO EITHER CONSENT TO OR**
16 **REFUSE TO CONSENT TO AN ACTION PROPOSED UNDER PARAGRAPH (1) OF THIS**
17 **SUBSECTION; AND**

18 **(II) IF THE PARENT DOES NOT PROVIDE WRITTEN CONSENT OR**
19 **A WRITTEN REFUSAL TO CONSENT TO AN ACTION PROPOSED UNDER PARAGRAPH (1)**
20 **OF THIS SUBSECTION WITHIN 20 BUSINESS DAYS OF THE INDIVIDUALIZED**
21 **EDUCATION PROGRAM TEAM MEETING, THE INDIVIDUALIZED EDUCATION PROGRAM**
22 **TEAM MAY IMPLEMENT THE PROPOSED ACTION.**

23 **(3) IF A PARENT REFUSES TO CONSENT TO THE ACTION PROPOSED,**
24 **THE INDIVIDUALIZED EDUCATION TEAM MAY USE THE DISPUTE RESOLUTION**
25 **OPTIONS LISTED IN § 8-413 OF THIS SUBTITLE TO RESOLVE THE MATTER.**

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
27 1, 2016.