

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 85
Ways and Means

(Delegate Luedtke, *et al.*)
Education, Health, and Environmental Affairs

Education - Children With Disabilities - Support Services - Parental Notification

This bill requires that the parents of a child with a disability at the initial evaluation meeting be provided with written information that the parents may use to contact local school system early intervention and special education family support services staff members, and a brief description of the services that they provide. The parents may request this information at any subsequent meeting and this information must be prominently published on the appropriate section of each local school system's website. If a parent's native language is not English, the information must be provided in a parent's native language.

If a child with an IEP developed in one local school system moves into another local school system, the latter school system must provide the information at the time of the first written communication with the parents regarding the child's IEP or special education services. Failure to provide the information required by the bill does not constitute grounds for a due process complaint.

The bill takes effect July 1, 2016.

Fiscal Summary

State Effect: None.

Local Effect: The bill may have an operational effect on some local school systems, but it is assumed that any additional local school system expenditures will be minimal.

Small Business Effect: None.

Analysis

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.

At the initial evaluation meeting the parents of a child with a disability must be provided, in plain language, a verbal and written explanation of the parents' rights and responsibilities in the IEP process and a program procedural safeguards notice. The parents may request this information at any subsequent meeting.

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 Individualized Family Service Plan (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.

School System Website Information

Each local board of education must develop and publish on its website a list of all special education service delivery models in the local school system. The local board must clearly state that decisions regarding the placement of a child in a special education delivery model will be made by an IEP team in consultation with the child's parents and consistent with the least restrictive environment requirements of IDEA. On request, the local board must provide a written copy of the information described above.

Background: Maryland State Department of Education (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 Fiscal Effect: Providing information that the parents may use to contact local school system early intervention and special education family support services staff members, and a brief description of the services that they provide is consistent with current best practices and, therefore, is not anticipated to substantially increase local school system operational costs. Each local board of education must under current law develop and publish on its website a list of all special education service delivery models in the local school system; adding information required under the bill to the same section of the website can be handled using existing local school system resources.

Because IDEA requires that necessary actions be taken to ensure that the parent understands the proceedings of an IEP team meeting, and because providing the information required under the bill is consistent with current best practices, the requirement to provide information in a parent's native language is also assumed to have minimal impact on local school system expenditures. Given an MSDE estimate of \$39 per page of translation, and assuming the information required under the bill can be relayed in a one-page document, and further assuming that most counties would be required to provide the document in approximately 15 to 17 distinct languages, any initial increase in costs is estimated to be less than \$700 per county.

Baltimore City advises that requirements of the bill are consistent with federal and State special education laws and guidelines and would not result in additional school system expenditures.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore City, Maryland State Department of Education,
Department of Legislative Services

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