

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 86

(Delegate Luedtke, *et al.*)

Ways and Means

Education, Health, and Environmental Affairs

Special Education - Translations of Individualized Education Programs or
Individualized Family Service Plans - Native Language

This 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, if that language is spoken by more than 1% of students in the local school system. School personnel must provide the parents with the translated document within 30 days after the date of the request. By December 1, 2016, the Maryland State Department of Education (MSDE) must report to the Governor, the Senate Education, Health, and Environmental Affairs Committee and the House Ways and Means Committee on whether there are economies of scale that can be used to lessen the financial impact of this bill and how the needs of students whose parents speak a native language spoken by less than 1% of the local school system student population can be addressed. By August 1, 2018, each local board must report to MSDE on the number of requests received for translated documents, the costs of these requests, and whether and to what extent it would be feasible for the number of requests to increase; MSDE must submit this information to the Governor and the above named committees by September 1, 2018.

The bill takes effect July 1, 2016.

Fiscal Summary

State Effect: General fund expenditures for MSDE for translation costs increase by approximately \$3,000 annually beginning in FY 2017. MSDE can complete the required reports using existing resources. Revenues are not affected.

Local Effect: Local expenditures increase by approximately \$630,600 annually, most of which will be incurred by Montgomery and Prince George's counties. 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.

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.

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.

State Expenditures: MSDE estimates that translation costs would average \$1,014 for the average IEP at an estimated cost of \$39 per page and an average IEP length of 26 pages. MSDE is the agency responsible for students in the Juvenile Services Education Program (JSEP) and estimates that about 12 JSEP students per year will require an IEP and have parents who are not native English speakers. MSDE expects that in most years there will likely be no more than three requests for a translated IEP, resulting in an annual cost of approximately \$3,040.

Local Expenditures: MSDE estimates that approximately 6,610 parents of children receiving early intervention services or special education services are not native English language speakers, and that approximately 75% of these families (or about 4,960) reside in Montgomery County or Prince George's County. Also, of these 6,610 parents, 83% (or about 5,490) will be parents of children for whom an IEP is required and the remaining 17% (or about 1,125) will be parents of children for whom an IFSP is required. Based on an average length of 17 pages for a completed IFSP, and applying the same \$39 per page cost as for an IEP, translation costs for these documents are assumed to be \$663 per IFSP.

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 request a translated IEP or IFSP, the number of IEPs to be translated by local school systems statewide will total about 550 annually and the number of IFSPs to be translated will total about 110. This results in additional annual local expenditures statewide of approximately \$557,700 for IEPs and \$72,900 for IFSPs, for a total of \$630,600 annually.

At a rate of approximately 75% of this statewide total, the combined annual expenditures for Montgomery and Prince George's counties totals approximately \$473,000. However, given that parents are required to be well informed throughout the IEP and IFSP development process, it is anticipated that local expenditures (statewide and for Montgomery and Prince George's counties) may increase by substantially lesser amounts.

Additional Information

Prior Introductions: HB 44 of 2015, a similar bill as introduced, passed the House but did not receive a hearing in the Senate. Its cross file, SB 314 received an unfavorable report from the Senate Education, Health, and Environmental Affairs Committee.

Cross File: SB 421 (Senator Ramirez, *et al.*) - Education, Health, and Environmental Affairs.

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

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Analysis by: Scott P. Gates

Direct Inquiries to:
(410) 946-5510
(301) 970-5510