

Chapter 204

(Senate Bill 421)

AN ACT concerning

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

FOR the purpose of authorizing the parents of a child with a disability to request the translation into their native language of a completed individualized education program or a completed individualized family service plan under certain circumstances; requiring certain school personnel to provide the parents with a certain translation of a completed individualized education program or a completed individualized family service plan within a certain time frame; requiring the State Department of Education and county boards of education to submit certain reports on or before certain dates; defining certain terms; and generally relating to individualized education programs and individualized family service plans.

BY repealing and reenacting, with amendments,
Article – Education
Section 8–405
Annotated Code of Maryland
(2014 Replacement Volume and 2015 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Education

8–405.

(a) (1) In this section the following words have the meanings indicated.

(2) “Accessible copy” includes a copy of a document provided to an individual in a format as defined in § 8–408 of this subtitle.

(3) “Extenuating circumstance” means:

- (i) A death in the family;
- (ii) A personal emergency;
- (iii) A natural disaster; or
- (iv) Any other similar situation defined by the Department.

(4) “INDIVIDUALIZED EDUCATION PROGRAM” AND “INDIVIDUALIZED FAMILY SERVICE PLAN” HAVE THE SAME MEANING AS PROVIDED IN THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

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

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

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

1. Address disciplinary issues;
2. Determine the placement of the child with a disability not currently receiving educational services; or
3. Meet other urgent needs of a child with a disability to ensure the provision of a free appropriate public education.

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

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

(c) The individualized education program team shall determine, on at least an annual basis, whether the child requires extended year services in order to ensure that the child is not deprived of a free appropriate public education by virtue of the normal break in the regular school year.

(d) (1) (i) Except as provided in paragraph (2) of this subsection, and subject to subparagraphs (ii) and (iii) of this paragraph, at least 5 business days before a scheduled meeting of the individualized education program team or other multidisciplinary education team for any purpose for a child with a disability, appropriate school personnel shall provide the parents of the child with an accessible copy of each assessment, report, data chart, draft individualized education program, or other document that either team plans to discuss at the meeting.

(ii) Subject to subparagraph (i) of this paragraph, an assessment, report, data chart, or other document prepared by a school psychologist or other medical

professional that either team plans to discuss at the meeting may be provided to the parents of the child orally and in writing prior to the meeting.

(iii) The parents of a child may notify appropriate school personnel that they do not want to receive the documents required to be provided under subparagraph (i) of this paragraph.

(2) (i) Subject to subparagraph (ii) of this paragraph, appropriate school personnel are not required to comply with paragraph (1) of this subsection in the event of an extenuating circumstance.

(ii) In the event of an extenuating circumstance, appropriate school personnel who fail to comply with paragraph (1) of this subsection shall document the extenuating circumstance and communicate that information to the parents of the child.

(e) (1) Not later than 5 business days after a scheduled meeting of the individualized education program team or other multidisciplinary team for a child with a disability, appropriate school personnel shall provide the parents of the child with a copy of the completed individualized education program.

(2) If the individualized education program has not been completed by the 5th business day after the meeting, the parents shall be provided with the draft copy of the individualized education program.

(3) The completed or draft individualized education program shall be provided to the parents in an accessible format.

(4) (I) IF THE NATIVE LANGUAGE SPOKEN BY THE PARENTS OF A CHILD WITH A COMPLETED INDIVIDUALIZED EDUCATION PROGRAM OR A COMPLETED INDIVIDUALIZED FAMILY SERVICE PLAN IS SPOKEN BY MORE THAN 1 PERCENT OF THE STUDENT POPULATION IN THE LOCAL SCHOOL SYSTEM, THE PARENTS MAY REQUEST THE DOCUMENT TO BE TRANSLATED INTO THE PARENTS' NATIVE LANGUAGE.

(II) IF A PARENT MAKES A REQUEST UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, APPROPRIATE SCHOOL PERSONNEL SHALL PROVIDE THE PARENTS WITH THE TRANSLATED DOCUMENT WITHIN 30 DAYS AFTER THE DATE OF THE REQUEST.

(f) To fulfill the purposes of this section, school personnel may provide the documents required under this section through:

- (1) Electronic delivery;
- (2) Home delivery with the student; or

(3) Any other reasonable and legal method of delivery.

(g) Failure to comply with this section does not constitute a substantive violation of the requirement to provide a student with a free appropriate public education.

(h) The Department shall adopt:

(1) Regulations that define what information should be provided in the verbal and written explanations of the parents' rights and responsibilities in the individualized education program process; and

(2) Any other regulations necessary to carry out subsection (b)(2) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2016, the State Department of Education shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means regarding:

(1) whether there are economies of scale that can be utilized to lessen the financial impact of this Act; and

(2) how the needs of students whose parents speak a native language that is spoken by less than 1% of the student population in the local school system can be addressed.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(1) on or before August 1, 2018, each county board of education shall report to the State Department of Education regarding the number of requests received under § 8-405(e)(4)(i) of the Education Article, as enacted by Section 1 of this Act, the cost of implementing these requests, whether it would be feasible to have this number increase, and if so, by how many requests; and

(2) on or before September 1, 2018, the State Department of Education shall compile the information received under item (1) of this section and submit the information to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, April 26, 2016.