

# HOUSE BILL 1533

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By: **Delegates Flanagan, Hayes, Hill, Turner, Waldstreicher, and M. Washington**  
Introduced and read first time: February 9, 2018  
Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Students With a Disability – Brain Injury Screening – Evaluation for**  
3 **Individualized Education Program**

4 FOR the purpose of requiring the State Department of Education to adopt a standard, by  
5 regulation, for the provision of a brain injury screening to be given to a child with a  
6 disability during an initial evaluation for an individualized education program, using  
7 a screening developed with the advice of the State Traumatic Brain Injury Board;  
8 and generally relating to a brain injury screening in initial evaluation for an  
9 individualized education program.

10 BY repealing and reenacting, with amendments,  
11 Article – Education  
12 Section 8–404  
13 Annotated Code of Maryland  
14 (2014 Replacement Volume and 2017 Supplement)

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

17 **Article – Education**

18 8–404.

19 (a) The State Board shall adopt, as regulations, standards for the identification,  
20 evaluation, educational placement, and the provision of a free appropriate public education  
21 of each child in this State who has begun the school year under the age of 21 and is found  
22 to need special education and related services, whether or not the child is receiving  
23 nonduplicative services from another governmental agency.

24 (b) Before these standards are adopted, the State Board shall consult with public  
25 and private agencies and persons who are concerned with and knowledgeable about the

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 educational needs of children with disabilities who require special education and related  
2 services.

3 (c) The standards for the education of a child with a disability who is enrolled in  
4 a school that is operated by an agency other than a local school system may not be lower  
5 than the standards for the education of a child with a disability who is enrolled in a school  
6 that is operated by a local school system. The standards for the approval of schools located  
7 in jurisdictions outside Maryland shall be the same as standards applicable to the approval  
8 of schools within Maryland. However, no school located in a jurisdiction outside Maryland  
9 shall be approved if the charges for pupils approved by the Department are higher than  
10 charges for pupils from any other state for the same services, unless waived by the State  
11 Superintendent.

12 (d) The standards shall include:

13 (1) The required qualifications for teachers, administrators, and other  
14 professionals serving a child with a disability;

15 (2) Procedures for the identification, evaluation, educational placement,  
16 and provision of a free appropriate public education for a child with a disability who  
17 requires the provision of special education and related services;

18 **(3) THE PROVISION OF A BRAIN INJURY SCREENING TO BE GIVEN TO**  
19 **A CHILD WITH A DISABILITY DURING AN INITIAL EVALUATION FOR AN**  
20 **INDIVIDUALIZED EDUCATION PROGRAM, USING A SCREENING DEVELOPED WITH**  
21 **THE ADVICE OF THE STATE TRAUMATIC BRAIN INJURY ADVISORY BOARD;**

22 **[(3)] (4)** Guidelines for curricula, instructional materials, equipment, and  
23 the organization, administration, and supervision of the program, including accounting,  
24 auditing, and reporting procedures;

25 **[(4)] (5)** Provisions for local, regional, and State day and residential  
26 centers for children with disabilities who cannot be served appropriately in the public  
27 schools;

28 **[(5)] (6)** Coordination of these special education services with services  
29 given by any other government agency; and

30 **[(6)] (7)** Guidelines for approval of placement in nonpublic schools or  
31 facilities if appropriate public services are not available.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
33 1, 2018.