

HOUSE BILL 611

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9lr0923

By: **Delegates Guyton, Cain, Luedtke, Mosby, Smith, and Wilkins**

Introduced and read first time: February 6, 2019

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Special Education – Individualized Education Programs – Timeline for**
3 **Independent Educational Evaluations**

4 FOR the purpose of authorizing a certain parent of a student with a disability to request
5 an independent educational evaluation at public expense under certain
6 circumstances; requiring a local school system to issue a written response approving
7 or denying a certain request within a certain time period; requiring a local school
8 system, on approving a certain request, to advise a certain parent of the process for
9 arranging a certain evaluation; requiring a local school system, on denying a request,
10 to file a due process complaint within a certain time period; requiring the State
11 Department of Education to adopt certain regulations; and generally relating to
12 independent educational evaluations for students with a disability.

13 BY repealing and reenacting, without amendments,
14 Article – Education
15 Section 8–405(a)(1) and (4)
16 Annotated Code of Maryland
17 (2018 Replacement Volume and 2018 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Education
20 Section 8–405(b) and (i)
21 Annotated Code of Maryland
22 (2018 Replacement Volume and 2018 Supplement)

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

25 **Article – Education**

26 8–405.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 (4) “Individualized education program” and “individualized family service
3 plan” have the same meaning as provided in the federal Individuals with Disabilities
4 Education Act.

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

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

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

12 1. Address disciplinary issues;

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

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

17 (2) (i) 1. At the initial evaluation meeting, the parents of the child
18 shall be provided:

19 A. In plain language, an oral and written explanation of the
20 parents’ rights and responsibilities in the individualized education program process and a
21 program procedural safeguards notice; and

22 B. Written information that the parents may use to contact
23 early intervention and special education family support services staff members within the
24 local school system and a brief description of the services provided by the staff members.

25 2. If a parent’s native language is not English, the
26 information in subparagraph 1B of this subparagraph shall be provided to the parent
27 in the parent’s native language.

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

30 (iii) If a child who has an individualized education program
31 developed in another school system moves into a different local school system, that local
32 school system shall provide the information required under subparagraph (i)1B of this
33 paragraph at the time of the first written communication with the parents regarding the

1 child's individualized education program or special education services.

2 (iv) A local school system shall publish information that a parent
3 may use to contact early intervention and special education family support services staff
4 members within the local school system and a brief description of the services provided by
5 the staff members in a prominent place on the section of its website relating to special
6 education services.

7 (3) Failure to provide the information required under paragraph (2)(i)1B of
8 this subsection does not constitute grounds for a due process complaint under § 8-413 of
9 this subtitle.

10 (4) (I) IF THE PARENT DISAGREES WITH THE EDUCATIONAL
11 EVALUATION OF THE STUDENT THAT WAS CONDUCTED BY THE LOCAL SCHOOL
12 SYSTEM, THE PARENT MAY REQUEST AN INDEPENDENT EDUCATIONAL EVALUATION
13 AT PUBLIC EXPENSE IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE
14 DEPARTMENT.

15 (II) THE LOCAL SCHOOL SYSTEM SHALL PROVIDE A WRITTEN
16 RESPONSE APPROVING OR DENYING A REQUEST WITHIN 30 DAYS OF THE DATE THE
17 REQUEST WAS MADE.

18 (III) IF THE LOCAL SCHOOL SYSTEM APPROVES A REQUEST, THE
19 WRITTEN RESPONSE SHALL ADVISE THE PARENT OF THE PROCESS FOR ARRANGING
20 THE EVALUATION AT PUBLIC EXPENSE.

21 (IV) IF THE LOCAL SCHOOL SYSTEM DENIES A REQUEST, THE
22 LOCAL SCHOOL SYSTEM SHALL FILE A DUE PROCESS COMPLAINT UNDER § 8-413 OF
23 THIS SUBTITLE WITHIN 30 DAYS OF THE DATE OF THE DENIAL.

24 [(4)] (5) (i) If, during an individualized education program team
25 meeting, a parent disagrees with the child's individualized education program or the special
26 education services provided to the child, the individualized education program team shall
27 provide the parent with, in plain language:

28 1. An oral and a written explanation of the parent's right to
29 request mediation in accordance with § 8-413 of this subtitle;

30 2. Contact information, including a telephone number that a
31 parent may use to receive more information about the mediation process; and

32 3. Information regarding pro bono representation and other
33 free or low-cost legal and related services available in the area.

34 (ii) A parent may request the information provided under

1 subparagraph (i) of this paragraph at any individualized education program team meeting.

2 **[(5)] (6)** (i) If the native language spoken by a parent who requests
3 information under paragraph **[(4)] (5)** of this subsection is spoken by more than 1% of the
4 student population in the local school system, the parent may request that the information
5 be translated into the parent's native language.

6 (ii) If a parent makes a request under subparagraph (i) of this
7 paragraph, the individualized education program team shall provide the parent with the
8 translated document within 30 days after the date of the request.

9 (i) The Department shall adopt:

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

13 (2) Any other regulations necessary to carry out subsection (b)(2) **AND (4)**
14 of this section.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
16 1, 2019.