

# HOUSE BILL 611

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

Introduced and read first time: February 6, 2019

Assigned to: Ways and Means

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Committee Report: Favorable

House action: Adopted

Read second time: February 26, 2019

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## CHAPTER \_\_\_\_\_

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)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Education**

4 8–405.

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

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

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

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

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

16 1. Address disciplinary issues;

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

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

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

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

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

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

32 (ii) The parents may request the information provided under

1 subparagraph (i) of this paragraph at any subsequent meeting.

2 (iii) If a child who has an individualized education program  
3 developed in another school system moves into a different local school system, that local  
4 school system shall provide the information required under subparagraph (i)1B of this  
5 paragraph at the time of the first written communication with the parents regarding the  
6 child's individualized education program or special education services.

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

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

15 **(4) (I) IF THE PARENT DISAGREES WITH THE EDUCATIONAL**  
16 **EVALUATION OF THE STUDENT THAT WAS CONDUCTED BY THE LOCAL SCHOOL**  
17 **SYSTEM, THE PARENT MAY REQUEST AN INDEPENDENT EDUCATIONAL EVALUATION**  
18 **AT PUBLIC EXPENSE IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE**  
19 **DEPARTMENT.**

20 **(II) THE LOCAL SCHOOL SYSTEM SHALL PROVIDE A WRITTEN**  
21 **RESPONSE APPROVING OR DENYING A REQUEST WITHIN 30 DAYS OF THE DATE THE**  
22 **REQUEST WAS MADE.**

23 **(III) IF THE LOCAL SCHOOL SYSTEM APPROVES A REQUEST, THE**  
24 **WRITTEN RESPONSE SHALL ADVISE THE PARENT OF THE PROCESS FOR ARRANGING**  
25 **THE EVALUATION AT PUBLIC EXPENSE.**

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

29 **[(4)] (5)** (i) If, during an individualized education program team  
30 meeting, a parent disagrees with the child's individualized education program or the special  
31 education services provided to the child, the individualized education program team shall  
32 provide the parent with, in plain language:

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

35 2. Contact information, including a telephone number that a

1 parent may use to receive more information about the mediation process; and

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

4 (ii) A parent may request the information provided under  
5 subparagraph (i) of this paragraph at any individualized education program team meeting.

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

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

13 (i) The Department shall adopt:

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

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
20 1, 2019.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.