

# HOUSE BILL 1275

P4, F1, P1

9lr2464

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By: **Delegates Smith, Acevero, Bridges, Glenn, Guyton, Healey, Hettleman, Ivey, Lehman, J. Lewis, Luedtke, Moon, Terrasa, Turner, Wells, and P. Young**  
Introduced and read first time: February 8, 2019  
Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Office of Administrative Hearings – Administrative Law Judges – Special**  
3 **Education Law Training**

4 FOR the purpose of requiring an administrative law judge to complete a training course on  
5 special education law before conducting a mediation session or due process hearing  
6 related to special education on or after a certain date; establishing certain criteria  
7 for a certain training course; prohibiting an administrative law judge from  
8 conducting a certain mediation session or due process hearing under certain  
9 circumstances; requiring the Office of Administrative Hearings to convene a certain  
10 committee for a certain purpose; providing for the composition of the committee;  
11 requiring the committee to submit a certain curriculum to the Office on or before a  
12 certain date; requiring the Office to use a certain curriculum to establish a certain  
13 training course; and generally relating to special education law training for  
14 administrative law judges.

15 BY adding to  
16 Article – State Government  
17 Section 9–1605.1  
18 Annotated Code of Maryland  
19 (2014 Replacement Volume and 2018 Supplement)

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

22 **Article – State Government**

23 **9–1605.1.**

24 **(A) ON OR AFTER AUGUST 1, 2020, AN ADMINISTRATIVE LAW JUDGE SHALL**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 COMPLETE A TRAINING COURSE ON SPECIAL EDUCATION LAW BEFORE CONDUCTING  
2 A MEDIATION SESSION OR DUE PROCESS HEARING RELATED TO SPECIAL  
3 EDUCATION, AS DEFINED IN § 8-401 OF THE EDUCATION ARTICLE.

4 (B) THE TRAINING COURSE ON SPECIAL EDUCATION LAW SHALL:

5 (1) BE DEVELOPED AND PROVIDED BY THE OFFICE OF  
6 ADMINISTRATIVE HEARINGS;

7 (2) BE AT LEAST 12 HOURS; AND

8 (3) INCLUDE COURSES ON THE FOLLOWING TOPICS:

9 (I) AN OVERVIEW OF THE FEDERAL INDIVIDUALS WITH  
10 DISABILITIES EDUCATION ACT AND RELEVANT STATE LAW;

11 (II) BEST PRACTICES IN SPECIAL EDUCATION ASSESSMENT,  
12 INSTRUCTION, SERVICES, TRAUMA-INFORMED CARE, AND DISCIPLINE;

13 (III) RECOGNIZING AND AVOIDING IMPLICIT BIAS;

14 (IV) PERSPECTIVES OF A PARENT OF A CHILD WITH A DISABILITY  
15 NAVIGATING THE SPECIAL EDUCATION PROCESS; AND

16 (V) CONDUCTING A HEARING WITH PRO SE PARENTS.

17 (C) AN ADMINISTRATIVE LAW JUDGE MAY NOT CONDUCT A MEDIATION  
18 SESSION OR DUE PROCESS HEARING RELATED TO SPECIAL EDUCATION IF THE  
19 ADMINISTRATIVE LAW JUDGE FAILS TO COMPLETE THE TRAINING COURSE ON  
20 SPECIAL EDUCATION LAW REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.

21 SECTION 2. AND BE IT FURTHER ENACTED, That:

22 (a) The Office of Administrative Hearings shall convene a committee to develop  
23 the curriculum for a training course on special education law for administrative law judges  
24 as required under § 9-1605.1 of the State Government Article, as enacted by Section 1 of  
25 this Act.

26 (b) The committee shall consist of the following individuals who may not appear  
27 before the Office of Administrative Hearings as counsel, a witness, or an expert:

28 (1) two representatives of the Office of Administrative Hearings, appointed  
29 by the Chief Administrative Law Judge of the Office of Administrative Hearings;

1           (2) two representatives of the State Department of Education appointed  
2 by the State Superintendent of Schools;

3           (3) the following members, appointed by the State Superintendent of  
4 Schools:

5           (i) at least one expert in curriculum design;

6           (ii) at least one expert in special education assessment;

7           (iii) at least one expert in special education instruction;

8           (iv) at least one expert in services related to special education;

9           (v) at least one expert in trauma-informed care of students with  
10 disabilities;

11          (vi) at least one expert in the discipline of students with disabilities;

12          (vii) at least one expert in implicit bias training;

13          (viii) at least one parent of a student with a low-incidence disability;

14          (ix) at least one parent of a student with a high-incidence disability;

15 and

16          (x) at least one individual with a disability who advocates for  
17 individuals with disabilities; and

18           (4) the following members, appointed by the Chief Administrative Law  
19 Judge of the Office of Administrative Hearings:

20          (i) at least one expert in administrative law and practice; and

21          (ii) two attorneys with knowledge of the federal Individuals with  
22 Disabilities Education Act who are not employees of a local school system in the State and  
23 who do not represent parents in cases related to special education.

24           (c) On or before June 1, 2020, the committee shall submit to the Office of  
25 Administrative Hearings the curriculum developed by the committee for the training course  
26 required under subsection (a) of this section.

27           (d) The Office of Administrative Hearings shall use the curriculum submitted  
28 under subsection (c) of this section to establish the requirements for the training course on  
29 special education law under § 9-1605.1 of the State Government Article, as enacted by  
30 Section 1 of this Act.

1           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
2 1, 2019.