

HOUSE BILL 336

F1, O3

4lr1229
CF SB 592

By: **Delegates Forbes, Allen, Amprey, Ebersole, Feldmark, Guyton, Guzzone, Hill, Holmes, Ivey, D. Jones, Phillips, Pruski, Smith, Terrasa, and Toles**

Introduced and read first time: January 17, 2024

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 23, 2024

CHAPTER _____

1 AN ACT concerning

2 **Maryland Achieving a Better Life Experience (ABLE) Program – Materials for**
3 **Individualized Education Program, Individualized Family Service Plan, and 504**
4 **Plan Meetings**

5 FOR the purpose of requiring a local school system to provide to parents at certain
6 individualized education program, individualized family service plan, and 504 plan
7 meetings for children with disabilities certain written informational materials
8 regarding the Maryland Achieving a Better Life Experience (ABLE) Program in a
9 certain manner; requiring the State Treasurer to develop certain informational
10 materials about the Maryland ABLE Program; requiring the State Treasurer to
11 provide certain informational materials to the State Board of Education and county
12 boards of education for a certain purpose; and generally relating to individualized
13 education programs, individualized family service plans, and 504 plans for children
14 with disabilities and the Maryland ABLE Program.

15 BY repealing and reenacting, without amendments,
16 Article – Education
17 Section 8–405(a)(1) and (4), (b)(1), (c), and (j)
18 Annotated Code of Maryland
19 (2022 Replacement Volume and 2023 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Education
22 Section 8–405(b)(2) and (3) and 18–19C–03(a)

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 Annotated Code of Maryland
2 (2022 Replacement Volume and 2023 Supplement)

3 BY adding to
4 Article – Education
5 Section 8–405.1
6 Annotated Code of Maryland
7 (2022 Replacement Volume and 2023 Supplement)

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

10 **Article – Education**

11 8–405.

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

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

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

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

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

23 1. Address disciplinary issues;

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

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

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

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

1 B. Written information that the parents may use to contact
2 early intervention and special education family support services staff members within the
3 local school system and a brief description of the services provided by the staff members;
4 [and]

5 C. Written information on the Special Education
6 Ombudsman and toll-free telephone number established under Title 6, Subtitle 5 of the
7 State Government Article; AND

8 **D. WRITTEN INFORMATIONAL MATERIALS REGARDING**
9 **THE MARYLAND ABLE PROGRAM PROVIDED UNDER § 18-19C-03(A)(2) OF THIS**
10 **ARTICLE.**

11 **2. AT LEAST ONE TIME EACH YEAR AT AN**
12 **INDIVIDUALIZED EDUCATION PROGRAM OR INDIVIDUALIZED FAMILY SERVICE PLAN**
13 **TEAM MEETING, THE PARENTS OF THE CHILD SHALL BE PROVIDED WITH THE**
14 **WRITTEN INFORMATIONAL MATERIALS DESCRIBED UNDER SUBSUBPARAGRAPH 1D**
15 **OF THIS SUBPARAGRAPH.**

16 **3.** If a parent's native language is not English, the
17 information in subsubparagraph [1B and C] **1B, C, AND D** of this subparagraph shall be
18 provided to the parent in the parent's native language.

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

21 (iii) If a child who has an individualized education program
22 developed in another school system moves into a different local school system, that local
23 school system shall provide the information required under subparagraph [(i)1B and C]
24 **(I)1B, C, AND D** of this paragraph at the time of the first written communication with the
25 parents regarding the child's individualized education program or special education
26 services.

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

32 (3) Failure to provide the information required under paragraph [(2)(i)1B
33 and C] **(2)(I)1B, C, AND D AND 2** of this subsection does not constitute grounds for a due
34 process complaint under § 8-413 of this subtitle.

35 (c) The individualized education program team shall determine, on at least an
36 annual basis, whether the child requires extended year services in order to ensure that the

1 child is not deprived of a free appropriate public education by virtue of the normal break in
2 the regular school year.

3 (j) The Department shall adopt:

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

7 (2) Any other regulations necessary to carry out subsection (b)(2) and (4) of
8 this section.

9 **8-405.1.**

10 **(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, AT LEAST ONE TIME**
11 **EACH YEAR AT A STUDENT'S 504 PLAN MEETING, THE PARENTS OF THE STUDENT**
12 **SHALL BE PROVIDED WITH THE WRITTEN INFORMATIONAL MATERIALS REGARDING**
13 **THE MARYLAND ABLE PROGRAM PROVIDED UNDER § 18-19C-03(A)(2) OF THIS**
14 **ARTICLE.**

15 **(B) (1) IF A STUDENT'S 504 PLAN MEETING DOES NOT OCCUR AT LEAST**
16 **ONE TIME EACH YEAR, THE WRITTEN INFORMATIONAL MATERIALS DESCRIBED**
17 **UNDER SUBSECTION (A) OF THIS SECTION SHALL BE PROVIDED AT EACH 504 PLAN**
18 **MEETING.**

19 **(2) IF A PARENT'S NATIVE LANGUAGE IS NOT ENGLISH, THE WRITTEN**
20 **INFORMATIONAL MATERIALS SHALL BE PROVIDED IN THE PARENT'S NATIVE**
21 **LANGUAGE.**

22 **(3) THE PARENTS MAY REQUEST THE WRITTEN INFORMATIONAL**
23 **MATERIALS PROVIDED AT ANY SUBSEQUENT MEETING.**

24 18-19C-03.

25 (a) (1) (I) The State Treasurer may issue requests for proposals to evaluate
26 and determine the means for the administration, management, promotion, or marketing of
27 the Maryland ABLE Program.

28 [(2)] (II) The State Treasurer shall consider proposals that meet the
29 following criteria:

30 [(i)] 1. Ability to develop and administer an investment program
31 of a nature similar to the objectives of the Maryland ABLE Program;

1 [(ii)] 2. Ability to administer financial programs with individual
2 account records and reporting; and

3 [(iii)] 3. Ability to market the Maryland ABLE Program to eligible
4 individuals.

5 (2) (i) 1. SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS
6 SUBPARAGRAPH, THE STATE TREASURER SHALL DEVELOP WRITTEN
7 INFORMATIONAL MATERIALS ABOUT THE MARYLAND ABLE PROGRAM.

8 2. THE WRITTEN MATERIALS DEVELOPED UNDER THIS
9 SUBPARAGRAPH SHALL BE IN A FORM THAT ENABLES THE MATERIALS TO BE
10 DISTRIBUTED ELECTRONICALLY OR BY HAND.

11 (ii) THE STATE TREASURER SHALL PROVIDE THE MATERIALS
12 DEVELOPED UNDER SUBPARAGRAPH (i) OF THIS PARAGRAPH TO THE STATE BOARD
13 AND COUNTY BOARDS FOR DISTRIBUTION TO PARENTS DURING INDIVIDUALIZED
14 EDUCATION PROGRAM, INDIVIDUALIZED FAMILY SERVICE PLAN, AND 504 PLAN
15 MEETINGS IN ACCORDANCE WITH ~~§ 8-405(B)(2)~~ §§ 8-405(B)(2) AND 8-405.1 OF THIS
16 ARTICLE.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
18 1, 2024.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.