

HOUSE BILL 1558

F1, O3, J1

9lr2496

By: **Delegates Sophocleus, Beidle, Carr, Haynes, Howard, Montgomery, Riley, and Shank**

Rules suspended

Introduced and read first time: March 11, 2009

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Student Stigma Act**

3 FOR the purpose of changing references to emotional disturbance to emotional or
4 behavioral disability; providing that certain documents may not be used until
5 the use of certain other documents; providing for the intent of this Act; and
6 generally relating to changing references to emotional disturbance to emotional
7 or behavioral disability.

8 BY repealing and reenacting, with amendments,
9 Article – Education
10 Section 8–401
11 Annotated Code of Maryland
12 (2008 Replacement Volume)

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

15 **Article – Education**

16 8–401.

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

18 (2) “Child with a disability” means a child who has been determined
19 through appropriate assessment as having autism, deaf–blindness, hearing
20 impairment, including deafness, [emotional disturbance,] **EMOTIONAL OR**
21 **BEHAVIORAL DISABILITY**, mental retardation, multiple disabilities, orthopedic
22 impairment, other health impairment, specific learning disability, speech or language

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 impairment, traumatic brain injury, visual impairment, including blindness, and who
2 because of that impairment needs special education and related services.

3 (3) "Free appropriate public education" means special education and
4 related services that:

5 (i) Are provided at public expense, under public supervision
6 and direction, at no cost to the parents;

7 (ii) Meet the standards of the State Board regulations and the
8 Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

9 (iii) Includes preschool, elementary, and secondary education;
10 and

11 (iv) Are provided in conformance with the requirements of the
12 child's individualized education program.

13 (4) "Special education" means specially designed instruction, at no cost
14 to parents, to meet the unique needs of a child with a disability, including:

15 (i) Instruction in the classroom, in the home, in hospitals and
16 institutions, and in other settings; and

17 (ii) Instruction in physical education.

18 (5) (i) "Related services" means transportation and such
19 developmental, corrective, and other supportive services as may be required to assist a
20 child with a disability to benefit from special education.

21 (ii) "Related services" includes the early identification and
22 assessment of disabling conditions in children.

23 (iii) "Related services" does not include a surgically implanted
24 medical device or the replacement of the device.

25 (b) In this subtitle the domicile of a child with a disability is the county in
26 which the parent or guardian who has legal custody of the child is domiciled.

27 SECTION 2. AND BE IT FURTHER ENACTED, That documents reflecting the
28 renaming of emotional disturbance to be emotional or behavioral disability may not be
29 used until all documents already in print and reflecting the terminology in use prior to
30 the effective date of this Act have been used.

31 SECTION 3. AND BE IT FURTHER ENACTED, That nothing in this Act is
32 intended to result in a reduction of federal funds available to the State.

1 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2009.