

# HOUSE BILL 1558

F1, O3, J1

9lr2496

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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

Re-referred to: Ways and Means, March 20, 2009

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 29, 2009

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

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.

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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           (2) “Child with a disability” means a child who has been determined  
2 through appropriate assessment as having autism, deaf-blindness, hearing  
3 impairment, including deafness, [emotional disturbance,] ~~EMOTIONAL OR~~  
4 ~~BEHAVIORAL~~ **DISABILITY**, mental retardation, multiple disabilities, orthopedic  
5 impairment, other health impairment, specific learning disability, speech or language  
6 impairment, traumatic brain injury, visual impairment, including blindness, and who  
7 because of that impairment needs special education and related services.

8           (3) “Free appropriate public education” means special education and  
9 related services that:

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

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

14                   (iii) Includes preschool, elementary, and secondary education;  
15 and

16                   (iv) Are provided in conformance with the requirements of the  
17 child’s individualized education program.

18           (4) “Special education” means specially designed instruction, at no cost  
19 to parents, to meet the unique needs of a child with a disability, including:

20                   (i) Instruction in the classroom, in the home, in hospitals and  
21 institutions, and in other settings; and

22                   (ii) Instruction in physical education.

23           (5) (i) “Related services” means transportation and such  
24 developmental, corrective, and other supportive services as may be required to assist a  
25 child with a disability to benefit from special education.

26                   (ii) “Related services” includes the early identification and  
27 assessment of disabling conditions in children.

28                   (iii) “Related services” does not include a surgically implanted  
29 medical device or the replacement of the device.

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

32           **SECTION 2. AND BE IT FURTHER ENACTED**, That documents reflecting the  
33 renaming of emotional disturbance to be emotional ~~or behavioral~~ disability may not be

1 used until all documents already in print and reflecting the terminology in use prior to  
2 the effective date of this Act have been used.

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

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.