

SENATE BILL 204

F1, O3, J1
HB 1558/09 – W&M

0lr0549
CF HB 11

By: **Senators Pinsky, Harrington, Lenett, and Madaleno**

Introduced and read first time: January 21, 2010

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Student Stigma Act**

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

7 BY repealing and reenacting, with amendments,
8 Article – Education
9 Section 8–401
10 Annotated Code of Maryland
11 (2008 Replacement Volume and 2009 Supplement)

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

14 **Article – Education**

15 8–401.

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

17 (2) “Child with a disability” means a child who has been determined
18 through appropriate assessment as having autism, deaf–blindness, hearing
19 impairment, including deafness, [emotional disturbance,] **EMOTIONAL DISABILITY**,
20 intellectual disability, multiple disabilities, orthopedic impairment, other health
21 impairment, specific learning disability, speech or language impairment, traumatic
22 brain injury, visual impairment, including blindness, and who because of that
23 impairment needs special education and related services.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

7 (iii) Includes preschool, elementary, and secondary education;
8 and

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

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

13 (i) Instruction in the classroom, in the home, in hospitals and
14 institutions, and in other settings; and

15 (ii) Instruction in physical education.

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

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

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

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

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

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

31 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2010.