

SENATE BILL 540

F1

0lr2356
CF HB 269

By: **Senators Harrington, Conway, Kramer, Lenett, Madaleno, Peters, Rosapepe, and Zirkin**

Introduced and read first time: February 4, 2010

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Child with a Disability – Individualized Education Program**

3 FOR the purpose of requiring appropriate school personnel to provide a copy of certain
4 documents relating to the development of an individualized education program
5 for a child with a disability to the parents of the child within a certain period
6 before a certain meeting; requiring appropriate school personnel to provide a
7 copy of a completed individualized education program to the parents of a child
8 with a disability within a certain period after a certain meeting; requiring the
9 parents to be provided with a draft copy of the individualized education
10 program under certain circumstances; requiring the documents to be in an
11 accessible format; and generally relating to individualized education programs
12 for children with disabilities.

13 BY repealing and reenacting, with amendments,
14 Article – Education
15 Section 8–405
16 Annotated Code of Maryland
17 (2008 Replacement Volume and 2009 Supplement)

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

20 **Article – Education**

21 8–405.

22 (a) When a team of qualified professionals and the parents meet for the
23 purpose of discussing the identification, evaluation, educational program, or the
24 provision of a free appropriate public education of a child with a disability:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

5 (i) Address disciplinary issues;

6 (ii) Determine the placement of the child with a disability not
7 currently receiving educational services; or

8 (iii) Meet other urgent needs of a child with a disability to
9 ensure the provision of a free appropriate public education.

10 (b) The individualized education program team shall determine, on at least
11 an annual basis, whether the child requires extended year services in order to ensure
12 that the child is not deprived of a free appropriate public education by virtue of the
13 normal break in the regular school year.

14 **(C) AT LEAST 5 BUSINESS DAYS BEFORE A SCHEDULED MEETING OF**
15 **THE INDIVIDUALIZED EDUCATION PROGRAM TEAM OR OTHER**
16 **MULTIDISCIPLINARY EDUCATION TEAM FOR ANY PURPOSE FOR A CHILD WITH A**
17 **DISABILITY, APPROPRIATE SCHOOL PERSONNEL SHALL PROVIDE THE PARENTS**
18 **OF THE CHILD WITH A COPY OF EACH ASSESSMENT, REPORT, DATA CHART,**
19 **DRAFT INDIVIDUALIZED EDUCATION PROGRAM, OR OTHER DOCUMENT THAT**
20 **EITHER TEAM PLANS TO DISCUSS AT THE MEETING.**

21 **(D) (1) NOT LATER THAN 5 BUSINESS DAYS AFTER A SCHEDULED**
22 **MEETING OF THE INDIVIDUALIZED EDUCATION PROGRAM TEAM OR OTHER**
23 **MULTIDISCIPLINARY TEAM FOR A CHILD WITH A DISABILITY, APPROPRIATE**
24 **SCHOOL PERSONNEL SHALL PROVIDE THE PARENTS OF THE CHILD WITH A COPY**
25 **OF THE COMPLETED INDIVIDUALIZED EDUCATION PROGRAM.**

26 **(2) IF THE INDIVIDUALIZED EDUCATION PROGRAM HAS NOT BEEN**
27 **COMPLETED BY THE 5TH BUSINESS DAY AFTER THE MEETING, THE PARENTS**
28 **SHALL BE PROVIDED WITH THE DRAFT COPY OF THE INDIVIDUALIZED**
29 **EDUCATION PROGRAM.**

30 **(3) THE COMPLETED OR DRAFT INDIVIDUALIZED EDUCATION**
31 **PROGRAM SHALL BE PROVIDED TO THE PARENTS IN AN ACCESSIBLE FORMAT.**

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 July 1, 2010.