

Chapter 249

(House Bill 11)

AN ACT concerning

Student Stigma Act

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

BY repealing and reenacting, with amendments,

Article – Education

Section 8–401

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

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

Article – Education

8–401.

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

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

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

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

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

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

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

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

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

(ii) Instruction in physical education.

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

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

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

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

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

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

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

Approved by the Governor, May 4, 2010.