

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 540

(Senator Harrington, *et al.*)

Education, Health, and Environmental Affairs

Ways and Means

Child with a Disability - Individualized Education Program

This bill requires that appropriate school personnel provide the parents of a child with a disability with accessible copies of all documents relating to the development of an individualized education program (IEP) at least five business days before a scheduled meeting. However, documents prepared by a school psychologist or other medical professional that are to be discussed at the meeting may be provided to the parents orally and in writing prior to the meeting. Not later than five business days after a scheduled meeting, appropriate school personnel must provide the parents of the child with a copy of the completed IEP or, if it has not been completed, a draft copy of the IEP. The completed or draft IEP must be provided to the parents in an accessible format.

The bill takes effect July 1, 2010.

Fiscal Summary

State Effect: The Maryland State Department of Education (MSDE) can handle any additional administrative responsibilities using existing personnel and resources. Revenues are not affected.

Local Effect: Local school system special education expenditures may increase minimally to handle the requirements of the bill. Revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary: In the event of an extenuating circumstance, appropriate school personnel must document the extenuating circumstance and communicate that information to the parents of the child.

Failure to comply with the bill does not constitute a substantive violation of the requirement to provide a student with a free appropriate public education.

Current Law: The State and local school systems must make free appropriate public education available to students with disabilities from birth through age 20.

With certain exceptions, parents must be given notice at least 10 calendar days in advance of a meeting with qualified professionals to discuss the identification, evaluation, education program, or the provision of a free appropriate public education of a child with a disability. Parents do not have to be given 10 calendar days notice if an expedited meeting is being conducted to address disciplinary issues, determine the placement of a child with a disability not currently receiving educational services, or meet other urgent needs of a child with a disability to ensure the provision of a free appropriate public education. The parents of the child must be afforded the opportunity to participate in the meeting. According to regulations, the IEP team must provide the parent with a copy of the IEP.

Local school systems establish the time frame by which parents of a child must have access to IEP reports, student data, and other materials.

Background: The federal Individuals with Disabilities Education Act (IDEA) requires public schools to develop an IEP for every student with a disability who is found to meet the federal and state requirements for special education. The IEP must be tailored to the individual student's needs as identified by the evaluation process and include a statement of special education and related services that will be provided to enable the child to advance toward annual goals and progress through the general education curriculum.

MSDE reports that it has created a comprehensive online version of the IEP that can be used at the discretion of the local school systems.

State Expenditures: MSDE reports that the new requirements may result in additional formal complaints that require a response from MSDE within 60 days and increased technical assistance and training support to local school systems. It is anticipated that these additional activities can be handled with existing resources.

Additional Information

Prior Introductions: None.

Cross File: HB 269 (Delegate Kaiser, *et al.*) - Ways and Means.

Information Source(s): Maryland State Department of Education, Allegany and Harford counties; U.S. Department of Education, Department of Legislative Services

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